

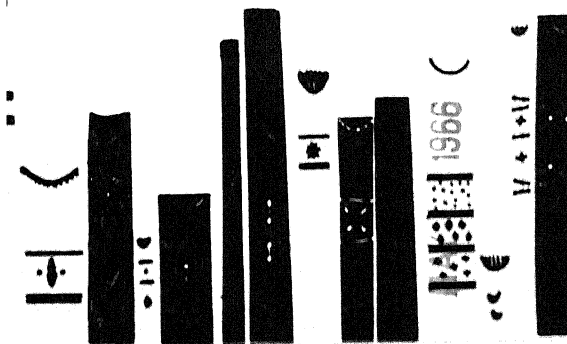
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HOREB

*A Philosophy of Jewish Laws
and Observances*

SAMSON RAPHAEL HIRSCH

*A Philosophy of Jewish Laws
and Observances*

Translated from
the German original with
Introduction and Annotations by
DAYAN DR I. GRUNFELD

Volume I

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TO

the sacred memory of my dear parents-in-law

SANDOR SAMUEL ROSENBAUM זצ"ל

מוהר"ר שמעי' ליטש ראזענבורים סג"ל זצ"ל מק"ק בודאפעשט יע"א

בעל המחבר ספר שמעו אמירה וספר לארבעה ראשים

and SARAH ROSENBAUM née Bamberger זצ"ל

האשה הצדקת מרת שרה בת מוהר"ר משה ארי'

במבערגער סג"ל זצ"ל אב"ד דק"ק באד-קייסינגען יע"א

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I am deeply grateful to Mr S. M. Bloch, Director of the Soncino Press Ltd., who throughout the various stages of the production and publication of this work has shown so much personal interest and devotion that, indeed, I find it difficult to express my indebtedness adequately.

I am greatly indebted to Mr Israel Finestein, M.A. (cantab), Barrister-at-Law, whose legal acumen and rare gift for lucid and succinct phraseology were of great help to me in the many difficulties of presentation which arose owing to Hirsch's involved style and the complicated legal and philosophical subject-matter of the *Horeb*.

I put on record gratefully also the financial help towards this publication which I received from the Jewish Material Claims Conference in New York (through the agency of the Publications Committee of the Union of Orthodox Hebrew Congregations in London) and from a number of personal friends. Special thanks are due to Mr Charles Clore, Mr Manfred Magnus, Mr Edmund L. de Rothschild, T.D., Mr Ivan Salomon (New York) and the following descendants of S. R. Hirsch: Mr J. C. Gilbert, Mr James Layton, Dr Raphael Lerner, and Mr Max Lerner.

I. GRUNFELD

PREFACE

In 1956, the Soncino Press, London, published two volumes of selected essays from the writings of Rabbi Samson Raphael Hirsch under the name of *Judaism Eternal*, translated from the German original and annotated with an Introduction and a short Biography by the present writer. That publication, apart from Dr B. Drachman's English translation of Hirsch's *Nineteen Letters on Judaism*, was the first major work in the English language dealing with the writings of Samson Raphael Hirsch. In the preface to *Judaism Eternal* I expressed my conviction that the influence of Rabbi Samson Raphael Hirsch's conception of Torah-Judaism was bound to increase in the modern world. This prediction has been fully verified by subsequent events. There have since appeared two anthologies of Hirsch's works in New York, apart from a new and revised edition of Drachman's translation of the *Nineteen Letters*. Furthermore, Hirsch's monumental *Commentary on the Torah* has been translated into English, of which translation the volumes Genesis, Exodus, Leviticus and Numbers have so far been published. An English translation of the first part of his deeply perceptive *Commentary on the Psalms* has just been published in New York. The influence of Samson Raphael Hirsch on Jewish life and thought has been traced by the present writer in a volume entitled *Three Generations*.

In the circumstances I am encouraged to think that the Jewish public will welcome an English edition of Hirsch's *Horeb*, which is a masterly presentation of Jewish laws and observances with particular emphasis on their underlying ideas. The *Horeb* has proved in many ways to be Hirsch's most decisive work. It represented a milestone in the return to the *halachah* as the pivot of Jewish life and thought, after the aberrations which came in the wake of the emancipation of Western Jewry and the vain attempts of the Reformers to 'abrogate' the legal enactments of the Torah.

However, the religious problems created by the emancipation of the Jews and the advent of the Reform movement on the Jewish scene have never been solved; they have only been shelved. If we want to maintain the loyalty of our youth to Jewish religious life we must introduce our thinking young men and women to the underlying ideas of our laws. We must show them that our religious commandments, or *mitzvot*, are not mere 'ceremonies' to be discarded at will, but Divine rules of life for the people of God, eternal and inviolable; that the commandments of the Torah are Divine thoughts implanted into man through symbolic action; that they are religious power-stations which create a spirit of holiness among the people of Israel, as is clearly expressed in

the verse of the Torah: 'that ye may remember and do all My commandments, and be holy unto your God' (Num. xv, 40).

Mere habit and mechanical performance—*מצות אנושים מלימדה*—is not enough for the perpetuation of the Jewish way of life. There must be conviction, based on knowledge. Our youth, especially our intelligentsia, must know not only *what* they observe but *why* they observe. That, however, does not mean that adherence to our religious laws could or should be made dependent on our finding reasons for them acceptable to us. For that would result in the finite human mind sitting in judgment over the laws of God, the Infinite Mind and Absolute Being; such an undertaking would contradict the age-old fundamental Sinaitic principle of *ועשה ושומע*, which tells us that the observance of the Divine laws is the prerequisite for their theoretical understanding. Meditation on our religious laws means rather a searching for the underlying ideas, the conception and rationale of those laws, in order to make them a spiritual force in our life.

For this task there is no better guide than Hirsch's *Horeb*, which is now published for the first time in the English language. Like Hirsch's other works, the *Horeb* is characterized by depth of thought; it therefore needs serious study and not merely casual reading. Moreover, as a *vade mecum* the *Horeb* should, after an initial thorough study, be consulted whenever a deeper insight into the meaning of a law or an institution of Judaism is sought. In addition, the *Horeb* is also intended as a guide to the details of practical Jewish religious observance. To assist in all these purposes, an extensive Hebrew and English Index has been provided.

About the difficulties in the translation of Hirsch's works, I have spoken in my preface to *Judaism Eternal*. These difficulties were especially apparent in the *Horeb* because of its particular legal content, which imposes upon the translator a heightened responsibility. I hope that this translation does justice to the original. It may not be superfluous to add that during the rendering into English of Hirsch's *Horeb* the standard halachic works were constantly consulted in order to avoid misunderstandings and errors in the responsible task which I had undertaken.

The English translation of Biblical passages is taken from the American Jewish Version, except in cases where Hirsch's own conception necessitated an alternative translation. Most of the Talmudical passages quoted in English are rendered according to the Soncino edition of the Talmud. The Editor's footnotes, one of the aims of which is to integrate the *Horeb* with Hirsch's later works, are marked by the words 'Ed. Note.' The Additional Notes are the Editor's.

It is the fond hope of the present writer that the rendering into English of Hirsch's classical work *Horeb* will help the English reading public, and especially our young intelligentsia, to understand the Divine laws of the Torah and the Jewish philosophy of life contained in them;

Preface

and thus strengthen their loyalty to the Jewish way of life, in response to the age-old prayer of the Psalmist, גל עיני ואביטה נפלאות מתורתך, 'Open Thou mine eyes, that I may behold wondrous things out of Thy law' (Ps. cxix, 18).

London, 27th Teveth, 5721.

יומא דהלולא רבא דמרן ד"צל, זחע"א

I. GRUNFELD

TABLE OF CONTENTS

VOLUME ONE

Dedication	Page v
Acknowledgments	vii
Preface	ix
Table of Contents	xiii
Title-page of First Edition (facsimile)	xvii
Introduction by I. Grunfeld	xix
Letter from Samson Raphael Hirsch to Z. H. May	cxli
Foreword by Samson Raphael Hirsch	clv

SECTION ONE

TOROTH— <i>Fundamental principles relating to mental and spiritual preparation for life</i>	I
1. The Sovereignty of God. 2. Unity of God. 3. Idolatry. 4. The World Around. 5. Self-Appraisal. 6. Outlook on Life. 7. Revelation. 8. Fear of God. 9. Love of God. 10. Trust in God. 11. Training Through Suffering. 12. Pride and Humility. 13. Covetousness. 14. Self-Sanctification. 15. Hatred. 16. Love. 17. Compassion. 18. Resentment. 19. Listening to Evil. 20. Judging One's Neighbour.	

SECTION TWO

EDOTH— <i>Symbolic observances representing truths which form the basis of Israel's life</i>	59
21. Prohibition of Work on Sabbath. 22. Prohibition of Work and Eating on Yom Kippur and Prohibition of Work on Rosh Hashanah. 23. Prohibition of Work on Pesach, Shavuoth, Sukkoth, Shemini Atzereth. 24. The Celebration of Sabbath and Yom Tov. 25. Kiddush, Havdalah and Tosafah. 26. The Prohibition Against the Enjoyment, Use and Possession of Chametz and the Commandment to Remove Chametz. 27. The Eating of Matzah. 28. Haggadah. 29. <i>Sefirah</i> . 30. Sukkah. 31. Lulav. 32. The Shofar. 33. Fast Days. 34. Chanukah and Purim. 35. Chodesh. 36. <i>Milah</i> . 37. <i>Gid Hanasheh</i> . 38. <i>Tefillin</i> . 39. <i>Tzitzith</i> . 40. <i>Mezuzah</i> . 41. <i>Bechor</i> . 42. <i>Chadash</i> , <i>Orlah</i> , <i>Challah</i> . 43. <i>Avcluth</i> .	

SECTION THREE

MISHPATIM— <i>Declarations of justice towards human beings</i>	215
44. Justice. 45. Respect for the Human Body: Prohibition of Murder, Injury, Beating. 46. Respect for Human Property: Prohibition of Stealing, Robbery, Withholding [Possessions]. 47. Justice in Transfer of Property and in Services. 48. Measuring and Counting. 49. Responsibility for Damage Caused by Property or Physical Force. 50. Falschood, Lying, Flattery, Hypocrisy. 51. Restriction, Oppression and Vexation. 52. Abuse of Physical, Mental and Emotional Weakness. 53. Honour and Peace. 54. Witness and Judgment. 55. Cursing.	
Additional Notes to Volume One	271

VOLUME TWO

SECTION FOUR

CHUKIM— <i>Laws of righteousness towards those beings which are subordinate to man: towards earth, plant, animal, towards one's own body, mind, spirit, and word</i>	277
56. Respecting All Beings as God's Property. 57. Regarding the Species as Divine Order. 58. <i>Shilluach Ha-ken</i> . 59. <i>Otho Ve'eth Be'no</i> . 60. Respect for the Feelings and Instincts of Animals. 61. Respect for the Human Corpse. 62. Regard for One's Own Body: Suicide, Self-Injury, Self-Ruin, Self-Preservation. 63. Regarding the Body as the Instrument of the Spirit Exclusively Consecrated to God. 64. Hair-Trimming and Clothing. 65. <i>Zenuth</i> . 66. <i>Eirah</i> . 67. Guarding Against Immorality. 68. Food. 69. Covering and Ennobling of Animal Nature. 70. Vows, Free Dedication, and Binding Oath. 71. The Majority Rule.	

SECTION FIVE

MITZVOH— <i>Commandments of love</i>	287
72. To Strive Through Love to Draw Near to God. 73. Parents. 74. Respect for Age, Wisdom and Virtue. 75. Study of the Torah. 76. Environment. 77. Marriage with Non-Jews and Imitation of Strange Customs and Usages. 78. Obedience to the Torah and its Guardians. 79. Repentance, <i>Teshuvah</i> . 80. Setting up House. 81. <i>Kiddushin</i> and <i>Nissuin</i> . 82. <i>Gittin</i> . 83. <i>Chalitzah</i> . 84. Education. 85. Rescuing from Danger the Life, Property and Happiness of One's Neighbour. 86. Active	

Contents

and Material Support of One's Neighbour in His Undertakings. 87. The Agricultural Worker's Right in Relation to the Produce on which He Labours. 88. *Tzedakah* and *Gemiluth Chasadim*, Alms and Charity. 89. Vengeance. 90. Teaching and Exhortation. 91. General Rules on Equity, Love and Gratitude. 92. Contribution to the Written Preservation of the Torah. 93. Contribution to the Preservation of the Name of God and to the Disappearance of Pagan Gods. 94. Oath, Perjury and Blasphemy. 95. Duties Towards the Community. 96. Duties of the Subject and of the Citizen. 97. Profaning and Hallowing of the Holy Name.

SECTION SIX

AVODAH— <i>Divine Service</i>	469
98. Prayer and Prayers. 99. Morning Divine Service. 100. Divine Morning Service on Special Days. 101. Minchah Service. 102. Evening Service. 103. Evening Service on Special Days. 104. Musaf Service. 105. Ne'ilah Service. 106. Communal Worship. 107. Kedushah, Kaddish and Bar'chu. 108. K'riath Ha'Torah. 109. <i>Haftoroth</i> . 110. <i>Piyutim</i> . 111. <i>Berachoth</i> . 112. Blessing of the Priests. 113. Language. 114. Recitation, etc. 115. Reverence for the Temple of Zion and Schools. 116. Idol-Worship. 117. Prohibition on Making Pictures. 118. <i>Avodah</i> .	
Additional Notes to Volume Two	579
General Index, Hebrew Index, Index of Scriptural References, Index of Talmudic References, Transliteration of Hebrew Letters, Abbreviations	589

הורב,

V e r s u c h e
über Sissroëls Pflichten
in der Berstreuung,

z u n ä c h s t

für Sissroëls denkende Jünglinge und Jungfrauen,

von

Samson Raphael Hirsch,
Großherzoglich Oldenburgischem Land-Rabbiner.

Wenn auch Verstoßene man dich nennt,
Denkmal bleib's — Forscher fehlt ihm, nur.
יבמי' 30, 17.

Die Schrift ist gedruckt in der Druckerei des Verlegers, bei Johann Friedrich Hammerich, in Altona, No. 12, am 1. März 1837.

Altona,
bey **Johann Friedrich Hammerich.**
1837.

SYNOPSIS OF INTRODUCTION TO S. R. HIRSCH'S HOREB

1. THE HISTORICAL AND INTELLECTUAL BACKGROUND OF THE HOREB	page xix
2. HOW THE HOREB CAME TO BE WRITTEN	xxx
3. HIRSCH'S WELTANSCHAUUNG	xl
4. THE UNIQUENESS OF THE TORAH	xli
5. THE CLASSIFICATION OF THE MITZVOTH	li
6. THE BASIS OF OBLIGATION TOWARDS THE LAWS OF THE TORAH AND THE INQUIRY INTO THEIR REASONS	lxx
7. JUDAISM AND THE MORAL LAW INNATE IN MAN	lxxx
8. INTELLECT AND FEELING	lxxxiv
9. THE TORAH AND HUMANISM—A JEWISH THEORY OF KNOWLEDGE	lxxxix
10. THE DUTY OF EXPLAINING THE MITZVOTH OF THE TORAH AND THEIR UNDERLYING IDEAS AND REASONS	xcviii
11. LAW AND LANGUAGE	cvi
12. SYMBOLISM IN JEWISH LAW	cvii
13. SAMSON RAPHAEL HIRSCH AND THE KABBALAH	cix
14. RELIGION, LAW AND LIFE: AN HISTORICAL VINDICATION OF THE HOREB	cxix
15. CONCLUSION	cxxxix
16. TRANSLATION OF A LETTER (AUTOGRAPH) ADDRESSED BY HIRSCH TO HIS FRIEND Z. H. MAY IN HAMBURG, SETTING OUT HIRSCH'S PLAN FOR THE HOREB	cxli
17. BIBLIOGRAPHY	cxli

INTRODUCTION

THE HISTORICAL AND INTELLECTUAL BACKGROUND OF THE HOREB

Epoch-making books have their own history. They come into existence in particular historical circumstances and are a reaction by the author to his time and its ideological and spiritual conditions. To understand such works requires, therefore, an awareness of the cultural, religious and, to a certain extent, political and economic background of the age in which they were written.

This statement is particularly valid with regard to S. R. Hirsch's *Horeb*, which is not only a classical and most original exposition of the rationale and the underlying ideas of Jewish law, but also played an historic and perhaps decisive rôle in redressing the balance in favour of the conception of authentic Judaism as the Religion of the Law at a time when this conception was seriously challenged in a way which still greatly affects the contemporary Jewish scene.

Until the French Revolution and the emancipation of the Jews, which followed in its wake, it was not seriously doubted by anyone that Judaism is the 'Religion of the Law,' because for the Jew God is not only the Creator of the universe but also the Universal Lawgiver. In the whole of the Pentateuch, recognition and love of God find their expression in obedience to His commandments or *mitzvot*. To take but one example, which is familiar to every child in Israel—the Shema. The majestic words on the Unity of God with which it begins and the appeal to the Jew to love God with all his heart, with all his soul and with all his might, are followed by the solemn promise of God's protection and guidance in the personal and collective life of Israel on condition that they 'hearken diligently unto My commandments which I command you this day.' Similarly, in the great farewell oration of our teacher Moses, we find the following characteristic sentences: 'And now, Israel, what doth the Lord thy God require of thee, but to fear the Lord thy God, to walk in all His ways, and to love Him, and to serve the Lord thy God with all thy heart and with all thy soul; to keep for thy good the commandments of the Lord, and His statutes, which I command thee this day?' (Deut. x, 12-13).

It is characteristic of Jewish history that all religious conflicts centred on the law, and never on creed or dogma. But while the dissenting schools of the Sadducees, and later the Karaites, in spite of their rejection of the Oral Law, recognized the Divine origin and binding power of the Written Law, the leading minds of the Reform movement of the

nineteenth century revolted also against the Written Law and denied the Divine origin of the Pentateuch. The legal part of the Pentateuch, which is the characteristic side of Judaism, was dropped, and only its general, religious, and moral ideas accepted as the core of Judaism. Thereby the all-pervasiveness of *halachah* or law in Judaism was challenged, and a creed arose within Jewry which dangerously approximated the antinomian attitude of Pauline Christianity. The unbiased student of the Torah, be he Jew or Gentile, cannot help being struck by its Nomism—that is, by the fact that it overwhelmingly consists of legal enactments (*mitzvot*) which appear almost on every page of the Torah (except in its narrative parts), and that, in comparison to law, doctrine plays little part in it. This is also the explanation of the fact that Torah, which means literally ‘Teaching,’ was rendered by the Greek translators of the Pentateuch by the word ‘Law.’ The antinomian attitude of Paulinism, though it had far-reaching consequences in the history of the world,¹ was not of major concern to the Jew as long as it did not enter the confines of Judaism. For, after all, the Gentile world, from the Jewish point of view, was not bound by the 613 commandments of the Torah, but only by the Seven Noachide Laws. All this changed with the advent of the Reform movement in Germany a century and a quarter ago. Ever since, the inner history of Jewry evinces the stamp of this event; and to this day the major problem of contemporary Jewish life is the submission or non-submission of Jewry to the Law of Sinai, the acceptance or non-acceptance of Judaism as the religion of the law. It has rightly been said by a contemporary Jewish thinker that there is hardly any movement within present-day Jewry which has not had its origin in and cannot be traced back to the fundamental controversy on the essence of Judaism which raged within German Jewry in the days of Samson Raphael Hirsch and Abraham Geiger, the chief protagonists of that historic conflict.²

There is a further point which must be made at the outset of this Introduction. The revolution in Jewish thought and life caused by the emancipation of Jewry cannot be understood merely in the framework of the history of Jewish thought; account must also be taken of the history of the European mind by which the inner development of Jewish thought in the last century and a half has been—for good or for evil—so decisively influenced. In this connection there appears a dangerous phenomenon to which attention must be drawn with the

¹ See on this point I. Grunfeld, ‘Religion, Morality and the Law’ (*Jewish Chronicle*, 24th April, 1959); ‘Religion, Law and State’ (*Jewish Chronicle*, 3rd and 10th Dec., 1948); further, ‘Judaism and the Crisis of Western Civilization’ (*Jewish Life* [New York, 1951], Vol. XVIII).

² See further on this point I. Grunfeld, *Three Generations* (London, 1958), pp. 188ff.

The Historical and Intellectual Background of the Horeb

greatest emphasis: the mistaken application of non-Jewish terminology to Jewish religious conceptions, which has caused great confusion and which to this very day blocks the proper understanding of authentic Judaism as an historical phenomenon. This wrong terminology carried from outside into the Jewish sphere mainly concerns the key terms 'religion' and 'religious ceremony,' which have been quite wrongly identified with Torah and Divine law. To this fundamental issue Samson Raphael Hirsch devoted some of his most important essays;¹ and, although we shall return to this question later on when we deal with Hirsch's philosophy of the *halachah*, it is important even at this stage to quote a salient passage from one of these essays: 'The Torah is One and Unique like God its Creator. It has nothing in common with other laws, teachings, systems and institutions. It is so unique that it can be compared only to itself, it is something *sui generis*; as soon as you describe it by names and terms taken from other spheres you falsify the essence of the Torah and bar the way to its real understanding.'²

It is against this historical and ideological background that an introduction to Hirsch's classic and epoch-making work *Horeb* must be written, if it is to be not merely an essay on the history of Jewish law in the nineteenth century but is also to have a bearing on contemporary Jewish life.

Samson Raphael Hirsch and his generation grew up during a new epoch in history. This new epoch had its roots in the Renaissance and the subsequent intellectual reactions of the French Revolution, British Empiricism and Continental Rationalism, the philosophy of Enlightenment and, finally, the critical and moral philosophy of Immanuel Kant. Renaissance and Humanism, evolving a new type of European man, brought into existence the modern world with its own conceptions of philosophy and religion, its reawakened arts and sciences, its manifold inventions and discoveries, its changed political and social systems, its expansive and progressive forces.

It has rightly been said³ that the Renaissance was in reality a spiritual revolution against mediaeval Christianity and its other-worldliness. It aroused a desire to reappropriate the whole abandoned province of terrestrial energy, and a hope to emulate antiquity by going back to its

¹ See 'The Festival of Revelation and the Uniqueness of the Torah,' *Collected Writings*, Vol. I, pp. 80ff. (republished in English translation in *Judaism Eternal*, Vol. I, pp. 88ff.); 'The Jewish Ceremonial Laws,' *Collected Writings*, Vol. I, pp. 160-8 (reprinted in *Judaism Eternal*, Vol. II, pp. 245ff.); 'The Three Days of Separation' (שמיני ימי), *Collected Writings*, Vol. VI, pp. 99ff.

² See Samson Raphael Hirsch, 'The Festival of Revelation and the Uniqueness of the Torah,' *Collected Writings*, Vol. I, p. 80 (republished in English translation in *Judaism Eternal*, Vol. I, p. 88).

³ See N. Berdyaev, *The Meaning of History* (The Centenary Press, London, 1945), chap. VII.

classical sources. Renaissance and its concomitant of Humanism rejected that religious philosophy which saw the only absolute reality in the soul and its future life. It rediscovered 'natural man' in contrast to what Christianity called 'the spiritual man,' who cared mainly for the salvation of his own soul and tended to neglect the problems of this world and the possibility of their solution through the study of the phenomena of Nature and the manifestations of the all-embracing human mind.¹

In the Middle Ages the Church had dominated not only religious but also intellectual life. Christian doctrine had been the main influence even in philosophical thinking. During the whole of the Middle Ages, especially during the scholastic period, philosophy was considered the handmaid of theology (*ancilla theologiae*), and its task was seen mainly as bringing the doctrines of religion near to reason, to rationalize them as far as possible, and to systematize the teachings of the Church as well as to refute arguments raised against it. Now, however, European thinkers set out to create their own outlook and philosophy of life, independent of the authority of the Church, and they considered their new activities as an intellectual liberation. Intellectual and economic life, society and culture, now became autonomous. Religion was no longer the keystone which held together the entire social edifice, but simply a compartment within life.

Intimately connected with this rebellion against the authority of the Church and the supremacy of theology is the beginning of modern science, based as it is on the urge for free and independent inquiry. From abstract speculations on metaphysical subjects and transcendental questions, the human mind now turned to objects that were more perceptible: to Nature and its phenomena. The spirit of free inquiry led to empiricism in natural science. The modern scientific movement began, of which Leonardo da Vinci, Copernicus, Galileo, Kepler and Newton are the chief representatives. The philosophy of Aristotle, which had held undisputed sway during the scholastic period, was on the wane. Authority and tradition gave way to individualism, in scientific and moral thinking as well as in economic life. The corporations which had played so large a part in the economic scene of the Middle Ages now yielded more and more to what the modern world calls capitalism, with its individualistic competition. A new type of man arose. More than that; man was considered the centre of the universe, and human reason supreme.

Soon, however, a marked change occurred in the intellectual climate

¹ It is one of the tragedies of Jewish history in the Diaspora that, although the justified criticism of Christianity on this point by the leading minds of the Renaissance and the spiritual movements following it does not apply at all to authentic Judaism, nevertheless Jewish religious life and conceptions of that period suffered greatly from that criticism, as we shall show in due course.

The Historical and Intellectual Background of the Horeb

of Europe, especially in the development of European philosophy.¹ 'Enlightenment' had overreached itself, and, as so often in the history of the human mind, the pendulum swung from one extreme to the other. The spirit of criticism which had undermined authority and tradition and enthroned reason was now bringing reason itself to the bar and denying reason's authority. In the seventeenth century Locke had seen the necessity of examining the problem of knowledge or 'sovereign reason' more thoroughly than had hitherto been attempted. It was Hume, however, a century later, who drew what appeared to him the consequences of the empirical view of knowledge: if we can know only what we experience in sensation and reflection, then rational theology, rational cosmology, and rational psychology are impossible, and knowledge of God, world, and soul is beyond our ken. It was not the Empiricists alone, however, who were weighing rationalism in the balance and finding it wanting; protests against its supposed pretensions and results also came from the camp of the mystics, who distrusted the deliverances of the intellect and sought in other phases or functions of the human soul a means of stilling the longing for certainty. According to them, the discursive understanding can never pierce the covering of reality; truth has its source in feeling, faith, or mystical vision of some sort; the deepest realities cannot be conceived by reason, but only felt by the heart. To many minds the unaided natural intelligence appears to end either in a hopeless and cheerless scepticism or in a tragic fatalism that mocks humanity's deepest yearnings and renders fictitious its most precious values.

Thus the scene was set for the critical and transcendental philosophy of Immanuel Kant (1724-1804), one of the greatest thinkers of the modern world, who was rightly called 'the Copernicus of modern philosophy.' It was he who shook European Enlightenment and its complacent rationalism. Kant saw the pressing need for an examination or criticism of human reason before a tribunal that was to secure the just claims of reason and dismiss all its groundless claims; a theory of knowledge, in other words, that should investigate the possibility and limits of human knowledge, and make the human intellect criticize its own powers and see itself in the mirror, as it were. With the aim of examining impartially the human faculty of reason, Kant wrote his famous three Critiques: the *Critique of Pure Reason*, an examination of theoretical reason or science; the *Critique of Practical Reason*, an examination of practical reason or morality; and the *Critique of Judgment*, an examination of our aesthetic and teleological judgments.

¹ For the following cf. W. Windelband, *A History of Philosophy*; translated by J. H. Tufts (Macmillan & Co., London, 1893), pp. 437-622. A. Weber, *History of Philosophy*; translated by Frank Thilly (Chas. Scribner & Sons, New York, 1925), pp. 228-380. Frank Thilly, *A History of Philosophy* (Henry Holt & Co., New York, 1951), pp. 261-445.

What can I know? What ought I to do? What may I hope for? These were the three cardinal questions of Kantian philosophy, which was destined to have such a far-reaching influence on modern Jewry. According to Kant, we can never have knowledge in the scientific sense of the existence of God, moral freedom and personal immortality. They are beyond the ken of human reason, which can never prove or disprove them, because—to use the terminology of Kant—they are not ‘phenomena’ but ‘noumena.’ Human reason does not see things as they are in themselves (*an sich*). It rather sees them through coloured glasses, that is to say, through space and time, which are the mind’s eyes.

Instead of deifying human reason, as had been done in the period before him, Kant rather claims a limit to it in order to force, so to speak, the overflowing river into its natural channel, which is the ‘phenomenal’ world, and to exclude for ever the sphere of the absolute, or the ‘noumenal’ world. Kant very candidly admitted, even from the point of view of his critical philosophy, that there may be beyond the phenomenal world a world of ‘noumena’—that is, realities which cannot be perceived, which are inaccessible and consequently superior to human reason. While pure reason will never be able to demonstrate scientifically the existence of God and the immortality of the soul, our practical reason, that is, our moral consciousness, demands them as postulates. Thus, many first principles, such as the existence of God, immortality, above all, the freedom of the will, which the *Critique of Pure Reason* had admitted as possible but incapable of proof by theoretical reason alone, are in the *Critique of Practical Reason* definitely postulated on the ground that morality is inconceivable without them.

Kant’s impact on the thought of the Jewish intellectuals of his generation was far-reaching. There existed close ties of friendship between him and Moses Mendelssohn, whom Kant called the German Plato. It was Jewish thinkers who first popularized Kantian philosophy. Among them were the Polish Jewish philosopher Solomon Maimon, the writer Lazarus Bendavid and the medical man Markus Herz, the friend of Mendelssohn and of the Prussian Crown Prince who later became King Friedrich Wilhelm III.

It is highly characteristic that a profound Orthodox thinker of our own generation, the late Isaac Breuer (grandson and expositor of Samson Raphael Hirsch), could have written the following sentences in his autobiography:

‘God caused to rise among the nations the exceptional man Kant, who, on the basis of the Socratic and Cartesian scepticism, brought about that “Copernican turn” whereby the whole of man’s reasoning was set in steel limits within which alone perception is legitimized. Blessed be God Who, in His wisdom, created Kant! Every real Jew who seriously and honestly studies the *Critique of Pure Reason* is bound

to pronounce his "Amen" on it. "Go not about after your own heart and your own eyes," or, in Kantian language, "pursue not the messages of your inner and outer experience—for, pursuing them, thou wilt be unfaithful to Me": the whole Kantian theory of perception is the most adequate commentary on this fundamental injunction of the Torah.'

But while Kant's critical philosophy, which showed the limits to the human mind, was a great aid to positive religion, including traditional Judaism, his moral philosophy, and especially his theory of moral autonomy, in the sense of moral self-legislation, proved, as we shall indicate in due course, a hindrance to the continued submission of many Jews to their traditional law as a guide to daily existence.¹

We have here dealt extensively with the critical and moral philosophy of Kant, and we shall have to come back to it later on, because the revolution he caused in modern and secular thinking, especially in the theology of the nineteenth century, has had a direct bearing on the great religious conflicts within Jewry of the era of emancipation and beyond.

For Jews, the most important consequence of the French Revolution and the Napoleonic era was the crumbling of the walls of the European ghetto wherein they had lived for centuries, leading their own peculiar life, which was ruled, in all its manifestations, by the Biblical-Talmudical law. When they entered the social, cultural and political life of the world outside, many of them began to think that Jewish laws and observances created certain obstacles against free intermingling with non-Jewish society and the conduct of business and professional life in the wider sphere. It was particularly the strict observance of the Sabbath and the dietary laws which the leading Jews of 'society life' felt to be in their way. In vain had Moses Mendelssohn, the father of the cultural side of Jewish emancipation, warned and entreated his brethren not to buy their political freedom at the cost of their most sacred treasure, the Torah. The glaring light of European society life outside the ghetto had dazzled and blinded the eyes of Israel's sons and daughters. '*Nihey kechol hagoyim*'—'Let us be like all the other nations'—had become the motto of the day. What happened in the generation after Mendelssohn was not merely emancipation of the Jews in the political sense but their emancipation from historical Judaism.

There were three clear stages in what was later called 'Reform Judaism.' The first step was taken by laymen headed by the rich and

¹ Nevertheless, outside Jewry the influence of Kant's moral philosophy was, on the whole, beneficial. His insistence upon duty for duty's sake, the religious awe which he inspired for the 'eternal moral law' in man and the categorical imperative which set obedience to that moral law above every other consideration, acted upon the modern mind like a tonic. From this time on, the lax thinking acquired from the French encyclopaedists, the aggressive individualism of the '*Stürmer und Dränger*,' lost their hold. Kant laid the foundation upon which modern man rose to a higher idealism and a nobler morality.

ambitious Israel Jacobson, the President of the Jewish Consistory of the new French Kingdom of Westphalia. Jacobson and his friends were not concerned with a theoretical justification for their disregard of Jewish laws and observances hallowed by generations. They simply dropped those Jewish laws which stood in the way of their political and social ambitions. The opening by Jacobson of a Reform Temple in Seesen amid the tolling of church bells was merely an attempt to assimilate Judaism as much as possible to the Christian religion, the religious faith of the majority of the surrounding population.

The second stage was reached when Michael Creizenach, of Frankfort-on-Main, a Jewish scholar and teacher at the Frankfort 'Philanthropin,' tried to justify in his work, ironically called *Schulchan Aruch*,¹ the reform or non-observance of Jewish laws by his own interpretation of Bible and Talmud. He still recognized, however, the Divine origin of both the Written and the Oral Law. The third stage of the development was the ideology of the Reform movement as created by Abraham Geiger and Samuel Holdheim. The latter, in his work on 'The Autonomy of the Rabbis and the Principle of Jewish Marriage,'² declared all legal parts of the Pentateuch as no longer valid and binding on the Jew; only the general religious and universal moral ideas contained in the Pentateuch could be conceded permanent validity. Holdheim went farthest in his reforms. He transferred the Sabbath to Sunday, abolished the holy tongue as the language of prayer and eliminated all references to Jewish nationhood, Zion and Jerusalem in the prayer-books. He actively encouraged intermarriage and explicitly stated that mixed marriages between Jews and non-Jews were valid also from the Jewish religious point of view and might be solemnized by a Rabbi according to the rites of the Jews even in cases where the non-Jew had not been received into Judaism. As far as Abraham Geiger was concerned, who must be considered as the leading and most gifted mind of the Reformers, he subscribed to the 'Higher Criticism' of the Pentateuch, denied its Divine origin, ridiculed the dietary laws, and advocated the abolition of circumcision. In his essay on the 'Uselessness and Evil Consequences of Religious Formalism'³ he out-paused Paul in his wild attack on Jewish laws and observances, to which he not only refused to ascribe any moral value, but, on the contrary, maintained that they were empty ceremonies, which in modern times had lost their meaning and undermined the deeper religious consciousness and moral

¹ Published in four parts in Frankfort-on-Main, 1833-40. In the Foreword to the third part of his work, Creizenach refers to the scathing attacks which S. R. Hirsch had made against the Reformist tendencies of the first two parts of his publication.

² Published in Schwerin, 1843.

³ 'Der Formglaube in seinem Unwerth und in seinen Folgen,' published in Geiger's *Wissenschaftliche Zeitschrift für jüdische Theologie* (Stuttgart, 1839), pp. 1-12.

The Historical and Intellectual Background of the Horeb

development of the modern Jew. Geiger had such a pathological hatred of the Talmud that he seriously suggested that those Jews who still clung to it and its authority were not worthy of civil emancipation—an insinuation which caused a spirited reaction by Gabriel Riesser, the courageous fighter for Jewish emancipation, although he himself was not an Orthodox Jew. The consequences of the Reformers' literary activities were soon felt. Fidelity to Jewish observances, the study of Mishnah and Talmud, even of the Bible in Hebrew, were being systematically stamped out. Things took their worst turn in the community of Frankfort-on-Main, which used to be a citadel of observant Judaism. The Council of that ancient Jewish congregation brought all the strength of the secular authorities to bear upon those of their brethren who still tenaciously clung to the execution of their religious duties. They pursued their fanatical intentions with a tenacity of purpose worthy of a better cause. By the machinations of that Council it became an indictable offence, checked and punished by the police, to teach the young the Bible in Hebrew and the Talmud. Teachers and scholars actually hid themselves in lofts and other hiding-places when studying these subjects in order to elude the tyrannical powers of the Jewish Communal Council. But the latter was on the alert; the hiding-places were discovered; the teachers were banished from the city, and those men who had undertaken the care of providing the means for pursuing these studies were forbidden to do so under the penalty of fifty florins each. An educational establishment for the study of the Talmud, together with general secular subjects, to which a generous member had bequeathed the sum of 50,000 florins, was suppressed, and the Jewish Communal Council boasted of this feat in an official document. From time immemorial there had existed in Frankfort a society under the name of 'Tzitzith Society.' One of its objects was for the members to gather every Sabbath after the Synagogue Service in a private house to edify themselves by reading and interpreting certain sections of the Pentateuch and the Prophets. But this also was declared to be an indictable offence. The Council of the Jewish Community effected a prohibition of these gatherings, and the Society ceased to exist.¹

To characterize the spirit of revolt against Jewish law instigated by the Reformers of those days, Hirsch put the following vigorous outburst into the mouth of a certain 'Peretz,' an avid reader of Geiger's *Wissenschaftliche Zeitschrift*, who, though an imaginary figure, can be considered typical of 'enlightened' nineteenth-century Jews in Germany,

¹ For a detailed and authoritative description of these sad events, which showed up the 'tolerance' of early Reform Judaism in Germany, see S. A. Hirsch in the *Jewish Quarterly Review* (1890) and S. R. Hirsch's pamphlet *Die Religion im Bunde mit dem Fortschritt* (Frankfort, 1854).

whose intoxication with the doctrines of 'Aufklärung' (Enlightenment) had turned them into fanatical opponents of traditional Judaism.

'Nineteenth century! Happy century of light and freedom! How happy are we to walk in thy spirit! You have broken the chain of night, your rays have brought light and life where night and graves had ruled for millennia. Your most glorious victory you celebrate in contemporary Judaism. Look at Judaism! For centuries it was enchained by the pharisaic rigidity of outward forms and tied with the fetters of stupid man-made decrees. In spite of knife and club, in spite of tyranny and oppression, Judaism of old refused to join European civilization; but your soft rays of light, O nineteenth century, have achieved what oppression and force could never have done. You have melted the thousand-year-old ice of the rigid forms of Judaism. In your spirit you cast away the chain of pharisaic interpretation. We ignore the barriers which a mediaeval spirit set up against life and enjoyment; we shake off the oriental dust of Palestine—and in evening dress and bow tie, with poetry and logic, aesthetics and dogmatics, with politics and dramatics, we enjoy the new life of Europe—and we even enjoy a diet which we have never tasted before. Yes, we are intoxicated with classical European thoughts, we drink from the spiritual wells of Greece and Rome; now we can become prelates or locksmiths, just as we please. We are no longer the ancient people from Asia, but Britons and Gauls, Belgians and Germans. Century of the constitution! Judaism too has become constitutional. The times are gone when you could legislate for us, O Moses of Egypt; as long as we were under age you alone had the legislative power, but now we have come of age, now your laws are only suggestions; we reject everything that cannot justify itself before the forum of our intellect and moral convictions; our means of power are exegesis and criticism, and the two-thousand-year-old fairy tales of tradition have long since ceased to impress or mislead us. It is true there still exist old fanatics and young hypocrites who believe they can stay the wheel of time; who would like to turn the convulsion of death of the Judaism of old into the pangs of a new birth, whose rigid minds still find joy in dead forms and obsolete ceremonies, who try to revive the dead past and would feign extinguish the light of civilization, only so recently lit, and who would like to put the people again into the chains of the old rigid law, which they have only just now shaken off under the influence of the spirit of the time. But these old fanatics and young hypocrites will never succeed. Behold, the fight is for light and truth, carrying aloft the torch of critical reason. They hurry along to meet me, they call on me to lead them. March on! We are going to storm the Talmudical Bastille.' (S. R. Hirsch, *Erste Mittheilungen aus Naphtali's Briefwechsel* ['First Communications from Naphtali's Correspondence'] [Altona, 1838], pp. 1ff.)

And now Hirsch sees a picture that haunts him in his sleeping and waking hours:

'I saw Peretz at the head of a crowd, seized like him by wild frenzy, storming on to the Lord's House, waving their burning torches. Calm and exalted stood the Temple of the Divine Law on the top of the mountain. The mountain itself was crowded from top to bottom with the endless rows of all

The Historical and Intellectual Background of the Horeb

the noble men who in times gone by, for more than three thousand years, had lived and died for the Divine Law, teaching and heeding, doing and fulfilling the words of instruction of God's Law, protecting it and fighting for it till the last breath. They saw the frantic crowd, heard their yelling shouts of joy. They recognized the aim of this wild onslaught and sadly bowed their heads and covered their faces. They were used to blows from strangers, from the enemies of their God, their people and their law. They were willing to die and conquer for their people and its spiritual heritage, but not to offer the blushing cheek to the blows of their own sons. They covered their heads in shame; but the crowd stormed on, waving their torches. Mockingly they singed the heads and robes of the Jewish Sages, flung the ancient books upon the stake. The crackling flames devoured them and the sparks blew heavenwards.

'The Holy Temple still stood erect in serene calm and the crowd would have liked to spare it; but the flames kindled by them had gone beyond their control. A billowing wave of fire covered the Temple mount; the heat of the fire forced open the gates of the Sanctuary and in moved the flames which Israel's own sons had kindled. The Sanctuary burned down, together with the Altar, the Holy Table and the Curtain. The flames penetrated the Holy of Holies and devoured the Tablets of the Law. From the Mountain of Zion, the wild-fire spread through countries and towns, burning to ashes all that was sublime and holy until the world was a smoking wilderness; until, finally, the fire had spent itself on a world-wide and desolate scene of conflagration.

'Thus the destructive torch kindled by frantic hands, having first been turned against tradition, destroyed God's Sanctuary in the end, together with all that was noble and holy in man; and finally it devoured the torch-bearers themselves. As I gazed into the gruesome night, I saw the last flicker of Peretz's torch going up in smoke.'

This sad vision, however, was soon followed by another one of sublime beauty:

'It was dawn; the beams of the rising sun shone upon a long row of imposing men, clad in shining white robes. They were Israel's Elders, Judges, Prophets, and the Men of the Great Synod, the Sages of the Talmud and the great Rabbis of succeeding generations. Leading this elevated assembly was Moses our Teacher. His face radiated with heavenly splendour. The light that broke forth from Moses's countenance lit the Candelabrum, which had miraculously remained intact when the Sanctuary burnt down. And as the glowing light surrounded the Candelabrum, behold, the Temple rose again in its serene calm. Altar and Table reappeared and the Holy Curtain covered once more the Holy of Holies. The Divine Law rested again in the Ark, protected by the Cherubim of the Lord. The earth was again filled with joy and blessing. And behold, Moses our Teacher approached me and said: "How could you hesitate, my son, as you saw the struggle of delusion against truth, of man against God! Human arrogance and lack of insight had removed Heaven from the Earth, had called *my* work that which was in reality the work of God, and had described the loyal Messengers of the

Divine word deceivers and impostors. And you could hesitate inactively even for a moment!”’

Samson Raphael Hirsch no longer hesitated. This was the hour when he felt the call of Providence and recognized his true vocation; it was then that he began to write his *Horeb*.

HOW THE HOREB CAME TO BE WRITTEN

On the 17th of April, 1835, Samson Raphael Hirsch, Chief Rabbi of Oldenburg and district, and successor to Dr Nathan Marcus Adler, who was later to become the Chief Rabbi of England, sent a manuscript to his friend and cousin, Zvi Hirsch May. The latter was Registrar-General of the *Deutsch-Israelitische Gemeinde* of Hamburg, and a man of considerable influence. Hirsch requested May to find a publisher for the manuscript, which bore the title *Moriah and Horeb—Essays on Israel's Duties in the Diaspora*, ‘written mainly for Israel's thinking young men and women.’

In a covering letter of some length, which is still extant in the original,¹ Hirsch outlines the plan of his work and tells us of the motives which prompted him to write it. At the same time he gives a vivid description of the religious conditions among the Jews of his time. As the double title, ‘Moriah and Horeb,’ shows, the work was originally to consist of two parts. *Moriah*, the first part, was to deal with the teachings of the Bible on God, man and the universe, on the history and ultimate destiny of man, and especially with the essence of the nationhood of Israel, the consecrated people of God. *Horeb*, the second part of the work, was to follow logically on the first part and present the laws or ‘duties’ of Israel, the nation whose task it is to serve as the instrument for the fulfilment of God's plan in history. The presentation of these laws was to lay particular stress on their rationale or underlying ideas.

It is significant that Hirsch chose for the title of his work the names of the two mountains which represent two highlights in the Divine guidance of human history: Moriah and Horeb. Moriah was the scene of *Akedath Yitzchak*, which consummated Abraham's devotion as the servant of God, and was later to become the symbol of Israel's self-sacrificing labours in the service of God and humanity. Horeb, or Sinai, was the scene of the Revelation of the will of God, making known the laws and rules of conduct which Israel was to observe and which in turn would permanently mould its national character and collective personality in such a way as to make it fit for the task allotted to it by Divine Providence.

Israel's way was to lead from Horeb (Sinai) to Moriah (Zion), the final resting-place of the tablets of stone which contained the eternal

¹ See p. cxli of this Introduction.

moral law emanating from God, illuminating the path of mankind which had gone astray, until, at the goal of history, man would find his way back to Zion, the law of God and his final salvation (see Isa. ii).

Thus Moriah was meant to give Horeb its world-historic meaning and final purpose;¹ to lift the law of Sinai out of its isolation and to join Israel's destiny to that of mankind. 'For Judaism is in reality a world-historic institution. The soil of its origin lies in the development of mankind, and its predestined goal is also the goal of Judaism. It is only the truths which Israel was destined to contribute to the thought-symposium of mankind which have made possible the very conception of universal history' (S. R. Hirsch: 'On the Universal and Educational Aim of Judaism').

These are the outlines of the thoughts which *Moriah*, the first part of Hirsch's work, was intended to develop, resulting in a system of Jewish philosophy of religion and a Jewish philosophy of history, based on the teachings of Bible, Talmud and Midrash. But events changed Hirsch's original plan: he felt constrained to write *Horeb*, the practical part of his work, first. This change of plan was Hirsch's instinctive reaction to the revolt against Jewish law which had begun with the French Revolution and the consequent emancipation of European Jewry, and which had reached its climax in the Reform movement of Hirsch's days—a revolt which had led in a comparatively short time to an almost complete breakdown of Jewish religious observance and an estrangement from the thought-world of the Torah among the overwhelming majority of German Jews.

'I see a child enveloped in flames; the bystanders are timidly inactive, or seek only to save the building. I see the child—I rush in; must I ask my neighbour first whether he, too, sees the child; have I the right to consider whether, in my haste, I may not injure some bystander; may I even ask whether, in my hurry to save the child, I am not hindering the task of saving the building or producing a draught which may impel the fire to fresh activity? But suppose you see the child too late, and before you reach it the building falls with a hiss and a crash upon its poor head? Even if it were to bury me too in its ruins, I should only have done my duty.'

These lines, taken from Hirsch's *Nineteen Letters on Judaism*, show clearly why Hirsch found it necessary to write the second part of his work—namely, the *Horeb*, first, which was to deal with the practical observances of Judaism and constituted an attempt to lead the young generation of Jewry back to the Divine law. Again and again in the course of the *Nineteen Letters* Hirsch feels the need to tell the reader why he was forced to abandon his original plan to deal with the theoretical foundations of Judaism first, and to present instead a compendium of

¹ See Joseph Breuer, '100 Jahre Horeb,' in *Nachlath Zvi*, Vol. VII, p. 102.

Jewish laws and their underlying ideas: 'In Mendelssohn's days, when the new movement of the spirit had begun but practical Jewish religious observance was as yet untouched, then it would have been possible to construct the science of Judaism and to bring to the strong life of practical observance the light and warmth of the spirit, and our condition would be different now. Today it is no longer possible. Opinions and thought not derived from the authentic Judaism of the Torah have become active and vigorous and labour with hostile energy to undermine that which they pretend to represent. They must be combated directly in the midst of life, so that many who still observe may comprehend what they observe; that many who reject may hesitate and examine that which they reject; . . . *I recognize as our nearest and most fundamental evil the false opinions and notions which prevail concerning the extent as well as the contents and meaning of our mitzvot.* In these uncomprehended tasks and duties Israel's essence is misunderstood, attacked, annihilated. At this spot the greatest flow occurs, and here the first effort should be made to repair the breach' (S. R. Hirsch's *Nineteen Letters on Judaism*).

When in April, 1835, Hirsch sent the manuscript of the *Horeb* to his friend and cousin in Hamburg, the *Nineteen Letters on Judaism* had not yet been written. In accordance with Hirsch's request, his friend, Z. H. May, looked round for a publisher for the *Horeb*. After having seen the extensive manuscript, a well-known non-Jewish publisher (J. F. Hammerich) in the neighbouring town of Altona suggested that the author of the *Horeb* should first try to incorporate his ideas in a smaller book or brochure which would entail less financial risk. Should that small book prove a success, the publisher would then be prepared to proceed with the publication of the *Horeb*.

Hirsch accepted this suggestion. And so it came about that he wrote, under the pseudonym of Ben Uziel, his famous *אגרות צפון*—*Nineteen Letters on Judaism* (Altona, 1836). The book bore the subtitle: 'A question to the public concerning the publication of the same author's Essays on Israel and its Duties.' On the title-page there also appeared the significant quotation from the Talmud (*Megillah*, 3a): *גלוי וידוע לפניך שלא לכבודי עשיתי ולא לכבוד בית אבא אלא לכבודך עשיתי* שלא ירבו מחלוקת בישראל (מגילה, ג). 'It is manifest before Thee, O Lord, that what I have written was not done for the sake of my own honour nor for the sake of the honour of my father's house, but for Thine honour alone in order that strife and dissensions may not spread in Israel.' Both this inscription and the fact that the *Nineteen Letters* was published under a pseudonym are characteristic of Hirsch's intensity and singleness of purpose.

The answer of the public in reply to Hirsch's question to it concerning the publication of the *Horeb* was given in no uncertain terms. The *Nineteen Letters* made an enormous impression upon the Jews in

Germany of all shades of opinion. It became one of the decisive books of that era; and it was no exaggeration when Prof. Bernard Drachman, of New York, the first translator of the *Nineteen Letters* into English, wrote in 1899 that 'this work marked an epoch in the history of Judaism in Germany and indeed in the world.'

In the preface to the *Nineteen Letters* Hirsch says: 'Should the *Horeb* appear, then these nineteen letters will take the place of the introductory outlines to which the nineteenth letter refers and which are considered an essential part of the *Horeb*.' The two books, *Horeb* and the *Nineteen Letters*, belong, therefore, together; they contain the fundamentals of Samson Raphael Hirsch's philosophy of Judaism and of Jewish law. An introductory essay to Samson Raphael Hirsch's *Horeb* must therefore also deal, however briefly, with the *Nineteen Letters on Judaism*, which are fundamental to the understanding of the *Horeb*.

The little book called *Nineteen Letters on Judaism* captivated the hearts of its readers not merely because of the intrinsic value of its contents and because it raised all the burning questions which confronted the younger generation of German Jews, or indeed of West European Jews in general; the fact that the *Nineteen Letters* evoked so great an echo was also due to their literary form and to the attractive style in which they were written. The book was clothed in the form of an imaginary correspondence between a student and his friend, a young Rabbi, who was only a few years older than his correspondent. The first letter describes the inner doubts of the young student on whether Judaism is really capable of surviving and of answering the spiritual needs of the post-emancipation epoch. For anyone acquainted with the intellectual and political background of the era of Jewish emancipation and of European 'enlightenment' it is clear that the attitude of the young questioner is governed by the philosophy of utilitarianism as expounded by Jeremy Bentham and by the philosophy of individualism, which is the hallmark of the modern philosophy of life, initiated by the Renaissance and nourished by the ideals of the French Revolution. In the following letters Hirsch gives the reply of authentic Judaism to the doubts, queries and complaints of his perplexed young friend. A noble edifice of historic Judaism appears before our eyes; as the theme develops we learn what Judaism has to say on the great problems of human life, happiness and destiny. The essence of the Torah is discussed and its unique character stressed, which cannot be described in conventional terms such as 'religion' or 'theology,' but covers the whole of man's existence, his individual life as well as that of family, society and State. The true conception of the Torah as the unique message of God addressed to man in his totality leads to a proper understanding of the law, both written and oral, and of Talmudical thinking and the rôle of Israel's Sages in interpreting and safeguarding that law. The *mitzvot*

(commandments and religious duties) are explained not as mere 'ceremonies' to be discarded at will, but as Divine rules of life for the people of God, eternal and inviolable.

It is not possible to give here a *précis* of the contents of the *Nineteen Letters*, which constitute a kind of modern *Moreh Nevuchim*, although very different both in style and content from the famous work of Maimonides, with whose philosophical presentation of Judaism and of the underlying ideas of its laws Hirsch found himself in complete disagreement (see letter 18). But the following letter headings show that the *Nineteen Letters* contain a summary of what was intended to be the contents of both *Moriah* and *Horeb*: 'Complaint'; 'Standpoint'; 'God and the World'; 'Man'; 'Education'; 'History'; 'Israel'; 'The Patriarchs, Egypt, The Wilderness, The Land'; 'Exile'; 'Classification of the Commandments'; '*Toroth, Mishpatim, Chukim*' (Teachings, Judgments, Statutes); '*Mitzvoth*' (Precepts of love towards all beings); '*Edoth*' (Symbolic actions); '*Avodah*' (The Service of God); 'Final reply to the questioner'; 'Emancipation'; 'Reform.'

The last letter deals exclusively with the *Horeb* (referred to as '*Versuche*,' or 'essays'), its inner history, plan and motives, and especially with the reasons why the *Horeb* had to be written first.¹

It is not surprising that the *Nineteen Letters* found a warm echo among the small remnant of observant Jews in Western Europe. (The word 'Orthodox' was not yet then used within Jewry, but was soon afterwards taken up as a polemical expression by the Reformers and used in both the German and English Jewish press.) What is more surprising was the reaction to the book in the Reform camp. Abraham Geiger, the erstwhile friend of Hirsch from his student days in Bonn, had meanwhile become the intellectual leader of the Reform movement. In his *Wissenschaftliche Zeitschrift für jüdische Theologie* (the publication of which marked his complete break with traditional Judaism), Geiger wrote no fewer than four articles dealing with the *Nineteen Letters* of Hirsch. Apart from his own review, which covered 54 pages, Geiger printed a second review covering another 20 pages. This is the measure of the impact which the *Nineteen Letters* made even in the camp of Hirsch's opponents.² Although Geiger could obviously not agree with the views of Hirsch on Judaism, he nevertheless paid a glowing tribute to what he called 'the sublime and noble personality of Hirsch and the moral loftiness of his presentation of Judaism'; and he added his deep

¹ A new English edition of Hirsch's *Nineteen Letters on Judaism* based on Bernard Drachman's translation, which appeared in 1899, has recently been published on behalf of the Samson Raphael Hirsch Society in New York, under the editorship of Jacob Breuer (Feldheim, New York, 1959).

² On the influence of the *Nineteen Letters* on traditional Jewish circles, see I. Grinfeld, 'Three Generations—The Influence of Samson Raphael Hirsch on Jewish Life and Thought' (London, 5718/1958).

regret at not being able to agree with his old friend, whom he 'recognized, in spite of the pseudonym, by the depth of conviction, the religious fervour and high morality, the clarity of mind, benevolent judgment and original power, by all the invaluable qualities of mind and heart which were manifest in the publication called the *Nineteen Letters of Ben Uziel*' (*Wissenschaftliche Zeitschrift für jüdische Theologie* [1836], Vol. II, p. 351).

Similarly, the *Nineteen Letters* made so overwhelming an impression on the then nineteen-year-old future historian H. Graetz—who was at the time in the throes of a spiritual crisis—that he called Hirsch the 'Ezra of our spiritual *Galuth*,' and went to Oldenburg to live in Hirsch's home as his disciple for three years. As Graetz's biographer, Philipp Bloch, puts it: 'In the above-mentioned anonymous work, *Nineteen Letters*, Samson Raphael Hirsch, Rabbi at Oldenburg, championed the undiminished value of every religious usage with skill, eloquence and intrepidity. His manner held out the hope that he would breathe a new spirit into the old forms. The boldness of the work in frankly presenting this point of view with all the consequences springing therefrom produced the effect of a sensational occurrence upon the Jewish public. Into the mind of Graetz, casting about for an anchor for his disturbed feelings, it fell like a flash of lightning, revealing the path to be followed in the search for his ideals . . . He [Hirsch] was endowed with truly marvellous power to stir his disciple's soul-life to its depths. Every chord of Graetz's being was set in vibration, and he solemnly vowed to remain a true son and an honest adherent of Judaism in all circumstances.'¹

In Graetz's Diary there is the following entry:² 'I realized that reform, that is, the omission of a number of laws organically interwoven with the rest, would abrogate the whole law. How delighted I was, therefore, with a new book, *אגרות צפון*, *Nineteen Letters on Judaism: Anonymous*, in which a view of Judaism I had never before heard or suspected was defended with convincing arguments. Judaism was represented as the best religion and as indispensable to the salvation of mankind. With avidity I devoured every word. Disloyal though I had been to the Talmud, this book reconciled me to it.'³

¹ See Philipp Bloch, *Heinrich Graetz, A Memoir* (David Nutt, London, 1898), pp. 12 and 19.

² *Op. cit.* p. 12.

³ And yet it was just Graetz's subsequent attitude to the Talmud which caused a rift to develop between the two men. Of Graetz's monumental *History of the Jews*, Vol. IV appeared first. That volume dealt with the period from the downfall of the Jewish State to the completion of the Talmud. Hirsch considered Graetz's view on the essence of the Oral Law to be incompatible with traditional Judaism and, in addition, he regarded Graetz's presentation of the Talmudical epoch as lacking in historical objectivity and scholarly reliability. Hirsch's critical review of Graetz's work, which appeared in his monthly *Jeschurun* (Vol. II, 1856, and Vol. III, 1857) and extended over 190 pages, marked the final break in the relationship between them, although not many years before

The *Nineteen Letters* appeared in 1836 under the pseudonym of Ben Uziel. A year later, in 1837, the *Horeb*, which, as we have already seen, had been ready in manuscript long before the *Nineteen Letters*, was published under Hirsch's own name.¹ The original edition contained two title-pages. The first read: 'מוריה וחורב', "Essays on Israel, and on Israel's Duties in the Diaspora, written in the first instance for Israel's thinking men and women," by Samson Raphael Hirsch, Chief Rabbi of Oldenburg. Second part, חורב, on the Duties.' The second title-page reads: 'חורב', "Essays on Israel's Duties in the Diaspora, written in the first instance for Israel's thinking young men and women," by Samson Raphael Hirsch, Chief Rabbi of Oldenburg.' Both title-pages bear a German translation of Jeremiah xxx, 17, in Hirsch's own interpretation of this verse, which may be rendered into English as follows: 'Although they have called Thee an outcast, You remain a permanent monument (ציון)—all that is needed is the research of worthy and capable scholars.' On the back of the second title-page is printed the sentence from the Sayings of the Fathers: לא עליך המלאכה לגמור ולא אתה בן חורין להבטל ממנה — 'It is not thy duty to complete the work but neither art thou free to desist from it.' The first edition bears the following dedication: 'To the memory of my revered parents, Raphael Mendel Hirsch and Mrs Gella (née Herz), in Hamburg, the guardians of my childhood, the guides of my adolescence, the friends of my manhood, in grateful love.'

Both *Moriah* and *Horeb* were supposed to deal extensively with the subjects which were only outlined in Hirsch's *Nineteen Letters on Judaism*. *Moriah* was to enlarge on the contents of letters three to nine, *Horeb* on the contents of letters ten to nineteen.

The first part of the work, *Moriah*, thus intended to contain a treatise Graetz had dedicated his work *Gnosticism and Judaism* 'to Samson Raphael Hirsch, the spirited champion of historic Judaism, the unforgettable teacher, the fatherly friend, in love and gratitude.' Hirsch's onslaught on the work of his pupil was couched in strong terms. He considered this attack to be his duty as he held that Graetz's presentation of the important period of the compilation of the Mishnah and Talmud undermined the very basis of the Oral Law. Undoubtedly Hirsch felt it keenly that his most gifted pupil should have put aside what Hirsch considered the authentic conception of Jewish oral tradition. Nevertheless, the master's sharp attack on his former pupil does not justify or excuse Graetz's later reference to Hirsch as a 'heresy-hunting hermit' (see preface to Vol. V of the German edition of Graetz's history), without making the slightest attempt to refute Hirsch's factual and doctrinal criticisms. Graetz, who had seen Hirsch at work in Oldenburg, as Chief Rabbi of Moravia, Member of the Austrian Parliament and champion of the rights of Jewish citizens and other minority groups, had ample reason to know that Hirsch was anything but a hermit. Indeed, Graetz's behaviour in this controversy may be said to bear out Hirsch's allegation that as a historian Graetz sometimes lacked the necessary objective approach to his subject. Having, at an earlier period, glorified his teacher as one of the leading minds of his age, Graetz dismissed him in his history with a few lines as Ben Uziel, the author of the *Nineteen Letters on Judaism*, without expressly mentioning Hirsch's name.

¹ Graetz, who at the time of the finalizing of the *Horeb* lived in Hirsch's house as his disciple, 'helped him to read the proofs of the last sheets of the book, which delighted and thrilled the young man' (Ph. Bloch, *op. cit.* p. 20).

on the essence of Israel's nationhood, as well as a Jewish philosophy of religion and history based on the teachings of Bible, Talmud and Midrash, never appeared. It is difficult to find a convincing reason why *Moriah* did not appear, especially when one considers that there were forty years of productive literary activity in front of Hirsch, who was a very prolific writer. Some of Hirsch's closest friends have expressed the view that the religious philosophy which Hirsch intended to expound in his *Moriah* is largely contained in the essays published in his periodical *Jeschurun*, which were republished posthumously in the six volumes of Hirsch's collected writings. It is, however, more probable that in the course of time Hirsch came to the conclusion that his contemplated work might be construed as admitting the existence of a so-called 'Jewish theology,' to which he was strongly opposed. In his celebrated essay on 'The Uniqueness of the Torah'¹ he was at pains to point out that there is no such thing as 'Jewish theology' and that to designate the Torah by that name could only block the way to a real and scientific understanding of the essence of the Torah. The more the Jewish 'theologians' of the Reform persuasion stressed what they called the religious and ethical elements in Judaism at the expense of the law, the more Hirsch found it necessary to stress the central position of the *halachah*, out of which what was termed the religious and ethical elements of Judaism arose; or, to use Hirsch's own words, ' "*La Loi*" und nicht "*la fois*" ist das Stichwort des Judentums'—the operative word in Judaism is not 'faith' but 'law' (*Gesammelte Schriften*, Vol. II, p. 422). The chief purpose of man on earth from the point of view of the Torah is not metaphysical speculation or abstract thought, but moral action. 'Not what man thinks of God is of primary importance, but what God thinks of man and wants him to do,' was a favourite saying of Hirsch. The Jew will never find the directive for his actions in idle philosophical speculation, but in the study of the Torah and its laws (cf. S. R. Hirsch, *Commentary* on Exod. xxxiii, 21; *Commentary* on Ps. ciii, 3; *Gesammelte Schriften*, Vol. III, p. 451).

It would nevertheless be wrong to conclude from Hirsch's stress on the legal character of Judaism that he underestimated the study of the underlying ideas of Jewish laws, or the general religious and moral truths of Judaism. On the contrary, Hirsch's writings are replete with passages castigating the mechanical (*geistlose*) performance of Jewish observances. Most of the essays contained in the six volumes of his collected writings are devoted to expounding the spiritual foundation of the Jewish laws. What Hirsch opposed, however, was the notion so dangerous for the survival of both Jewry and Judaism that obedience to the laws of the Torah can be replaced by airy religious sentiment.

¹ See *Gesammelte Schriften*, Vol. I, pp. 80ff. An English translation of this important essay is contained in *Judaism Eternal* (ed. I. Grunfeld [London, 1956], Vol. I, pp. 94ff.).

In the *Horeb* Hirsch avoided any polemics against the Reformers and concentrated on the positive task of demonstrating the spirit of our laws and their underlying ideas. His polemical essays against the writings of the leading Reformers of his day, particularly Geiger and Creizenach, Cohn, Aub, Stein, Stern and Brück, are contained in his work *נפתולי ונפתולי* (*Erste Mittheilungen aus Naphtali's Briefwechsel*), which was published in 1838 under the pseudonym Ben Uziel. In this work Hirsch accuses the Reformers of having misinterpreted Biblical and Talmudical passages in order to suit their own theories on Judaism. Towards the end of the work, in which Hirsch showed himself a master of the art of controversy, he describes, with sadness in his heart, the depressing situation of German Judaism in his day. He was especially grieved at the way young men were trained for the German Rabbinate, who, 'without guidance, hardly acquainted with the spirit of *Tenach*, learning Talmud by rote, without love because without proper enlightenment, were flocking to the universities to obtain there a substitute for Judaism made up of a mixture of classical Heathenism, Historical Criticism and Dogmatic Philosophy, of New Testament introductions to the Old Testament and of Christian Church doctrine, and thus conceived a dislike of that Judaism which they had never really understood.' This polemical work of Hirsch's evoked so much general interest that for a whole year (1839) the *Allgemeine Zeitung des Judentums* (edited by L. Philippson) contained controversial essays referring to it. In 1844 Hirsch published, this time under his own name, his *Zweite Mittheilungen aus einem Briefwechsel über die neueste jüdische Literatur*, which is mainly directed against Holdheim's *Autonomie der Rabbinen*, in which Holdheim advanced the theory that all the legal enactments of the Torah had lost their binding force with the destruction of the Jewish State, and only the general religious and moral teachings of the Torah could be considered as having permanent validity.

Like the *Nineteen Letters*, the *Horeb*, too, aroused general interest and admiration. Rabbi Solomon Spitzer, of Vienna, a disciple of the famous Chatam Sofer (Rabbi Moses Sofer, who died in 1839), called the *Horeb* a 'wonderful and awe-inspiring work which carried the fame of its author across the world' (*Tikkun Shlomoh*, p. 110). Rabbi Meyer Eisenstaedter, another great pupil of the Chatam Sofer and author of the responsa work *ש"ת אמרי א"ש*, declared that the *Horeb* contained the best exposition in existence on the underlying ideas of the laws of Sabbath. This view is especially noteworthy when one recalls that Rabbi Meyer Eisenstaedter was an extremely sharp opponent of secular studies among Jews and on that issue entirely at variance with the views of Hirsch. In 1893 the *Horeb* was translated into Hebrew by Rabbi M. S. Aronsohn, of Kovno. In his approbation to the Hebrew edition the world-renowned Gaon Rabbi Yitzchak Elchanan Spector, of Kovno, who was

in frequent contact with Samson Raphael Hirsch, wrote: 'The *Horeb* is a wonderful and sublime book in which the author, the Gaon Rabbi Samson Raphael Hirsch, shows his great mastery in all the spheres of Torah and *mitzvot*; with sacred and lofty thoughts, with great wisdom and deep faith, he sanctifies and praises the words of the living God, so that every man in Israel who reads the author's beautiful expositions, which are inspired and sacred, will be moved to accept and fulfil joyfully the commandments of our holy Torah to his own benefit in this world and in the world to come.'

The reaction to the *Horeb* from the Reform side was not surprising. While the *Nineteen Letters*, with their exposition of the historical, philosophical and moral world-view of Judaism, evoked the praise of the Reformers in spite of their insistence on the binding power of the laws of the Torah, the Reformers immediately launched violent attacks against the *Horeb*. Shortly after its publication, the Reformer B. H. Fassel wrote a book called *הרב בציון* the whole purpose of which was to attack the *הורב* of Samson Raphael Hirsch. Fassel's book was accompanied by an 'introduction' published under the pseudonym 'Charbonah.'¹ In spite of his attack on the halachic part of the *Horeb*, Fassel could not help calling it 'a masterpiece full of spirit, systematic unity and enlightenment,' and he added that 'the underlying ideas of the Biblical commandments are explained by Samson Raphael Hirsch in a manner far superior to that advanced by Maimonides in his *Moreh Nevuchim*.' The reaction of Geiger to the *Horeb* marked his complete break with Hirsch in their personal relations. While Geiger's review of the *Nineteen Letters*, as we have seen before, was objective and, in spite of the differences of opinion with regard to the fundamentals of Judaism, poured lavish praise on their author, his review of the *Horeb* (*Wissenschaftliche Zeitschrift für jüdische Theologie*, Vol. IV, pp. 355ff.) makes a painful impression on the reader. It is not an objective review but is full of bitterness and personal abuse, which can only be explained by the fact that Geiger felt personally offended by Hirsch's strong criticism of the contents of Geiger's *Wissenschaftliche Zeitschrift für jüdische Theologie*, which criticism is contained in Hirsch's book *נפחולי ונפחולי*, *Erste Mittheilungen*, published shortly after the *Horeb*. Nevertheless, these personal feelings of umbrage did not justify Geiger's essay, which contains many misrepresentations of Hirsch's views. Hirsch himself replied in a special publication called *Postscripta* (Altona, 1840) to the attacks contained in Fassel's *הרב בציון* and in Geiger's essay on the *Horeb*. As far as Fassel's work was concerned, Hirsch showed that his criticism of the halachic part of the *Horeb* was completely unjustified and lacked the necessary scholarly basis; and as far as Fassel's praise of

¹ Said to be a pseudonym for the bibliographer and orientalist M. Steinschneider (see T. Tal, *S. R. Hirsch* [Amsterdam, 1907], p. 11).

Hirsch's exposition of the underlying ideas of our laws was concerned, Hirsch rejected that praise too, as coming from an unqualified reviewer.

With regard to Geiger's review of the *Horeb*, Hirsch expressed his indignation at the personal attacks against him contained in it and even more at the distortion by the reviewer of Hirsch's opinions as expressed in the *Horeb*. Hirsch's reply to Geiger concludes with the following sentence: 'This so-called review would not have deserved a word by way of reply were it not for the fact that the mean outbursts were published under the name of Abraham Geiger and there was thus an opportunity to demonstrate by so eminent an example how low the movement has sunk which is represented by that name.'

The only serious arguments advanced in Geiger's review of the *Horeb* are the questions whether it is acceptable for independent scientific inquiry to treat the Divine origin and binding authority of the laws of the Torah as axiomatic instead of submitting them to historical and critical scrutiny, and whether absolute obedience to a will addressed to man from outside (heteronomy) is in keeping with the rational and moral nature of man. We shall have an opportunity to return to these problems, which are of far-reaching consequence for the attitude of the modern Jew to Torah and Jewish life.

HIRSCH'S WELTANSCHAUUNG

The *Horeb* contains a system of a philosophy of Jewish law which takes the Divine origin and binding authority of that law as axiomatic (see Hirsch's Foreword to the *Horeb*). Like any other legal system, however, the system of Jewish law is based on a definite world-view and philosophy of life. This philosophical basis of the Jewish legal system Hirsch does not discuss in the *Horeb*; for, as pointed out above, it was to be the subject of a special work called *Moriah*, which, although logically preceding the *Horeb*, had nevertheless, for practical reasons, been delayed and, unfortunately, never saw the light of day. We have therefore no systematic presentation of Hirsch's religious philosophy.¹ Nevertheless, from the many publications by Hirsch which followed the *Horeb*, such as his essays in his monthly *Jeschurun*, his commentaries on the Pentateuch, the Psalms, the Proverbs and the Prayer-Book, we know Hirsch's views on the great themes of God, the Universe, Man, History and Revelation. Moreover, letters 3-9 in Hirsch's *Nineteen*

¹ The view has been expressed by Willy Wolf (*Nachlath Zvi*, Vol. III, pp. 132ff.) that Hirsch deliberately refrained from his presentation of a systematic philosophy of Judaism, because traditional Jewish thought is not much concerned with systematic presentations of the Jewish world-view. I believe, however, as already mentioned above, that Hirsch's main reason for not publishing his *Moriah* was his fear that in doing so he might appear to affirm the existence of what the Reformers called 'Jewish theology,' to which he was firmly opposed on grounds of principle. For him, Judaism was not a theology but mainly a philosophy of law based on the religious outlook of the Torah.

Letters contain, as Hirsch himself wrote (footnote to chap. 1, para. 5, of the *Horeb*), a synopsis of the intended contents of the work *Moriah*. On the basis of Hirsch's writings other than the *Horeb*, we can thus reconstruct the world-view which underlay Hirsch's philosophy of Judaism.

Hirsch's *Weltanschauung* is based on a philosophy of Jewish historical experience and not on speculative philosophy. In this respect he was a disciple of Yehudah Halevy and not of Maimonides. Hirsch's motto of '*sich selbst begreifendes Judentum*'—that is, Judaism organically understood and developed from within (*aus sich heraus*), made him a natural opponent of the scholastic Spanish-Jewish thinkers whose highest endeavour was to reconcile Judaism with the philosophy of Aristotle and Neo-Platonism. In his *Nineteen Letters* Hirsch takes issue particularly with Maimonides and his philosophical work *Moreh Nevuchim* because 'he sought to reconcile Judaism with the difficulties which confronted it from without instead of developing it creatively from within' (*Nineteen Letters*, p. 181). For the same reason Hirsch also disapproved of Mendelssohn, who 'did not build up Judaism as a science from itself' (*Nineteen Letters*, p. 189). Hirsch was committed to the principle of Jewish autarky (spiritual self-sufficiency), which is in reality the meaning of the phrase '*sich selbst begreifendes Judentum*.' That did not mean that Hirsch was averse to the study of secular knowledge. From his published writings we can see that the contrary is true. What is most important for Hirsch, however, is the fact that the Torah, because of its Divine origin, is above the criticism of man, whose intellectual and moral discernment is of necessity limited. The study of contemporary philosophical thought and civilization can only have the purpose of enabling a Jew to expound the Torah, which is a unique phenomenon, in the thought-categories of a given epoch. Fundamentally, however, no outside criterion or preconceived hypothesis can be applied to Judaism, which must always be comprehended from within, '*aus sich selbst heraus*.'¹

¹ In an essay published in *Historia Judaica*, New York, Vol. XXII, No. 1, 1st April, 1960, Noah H. Rosenbloom has pointed out that 'Hirsch's differentiation between the negative investigation of Judaism from without and the positive one from within is akin to Hegel's distinction between comprehension of a thing *für uns* and *für sich*. In order to appreciate a point of view fully, one cannot merely observe it externally, since the view as it appears to us (*für uns*) from the outside is meaningless. Only when we establish an intellectual sympathy by endeavouring to discover its intrinsic meaning (*für sich*) do we grasp its vital experience and inner nature.' There is, however, no direct evidence in Hirsch's writings to enable us to judge how far he was influenced by Hegel's philosophy. In any case, it is completely unwarranted for Rosenbloom to describe Hirsch's *Nineteen Letters* as 'a Hegelian exposition.' The principle of autarky (the spiritual self-sufficiency of Judaism) to which Hirsch was committed and his oft-repeated aim and demand to understand Judaism organically from within render it impossible in principle for Hirsch to have conceived of his work as an exposition of Hegel's philosophy. In order to explain Hirsch's aim to build up a system of Judaism organically out of its own sources one need not have recourse to Hegel's philosophy. Sound scientific method in itself demands such a course (see S. A. Hirsch's 'Jewish Philosophy of Religion and Samson Raphael Hirsch,' in *A Book of Essays* [Macmillan & Co. Ltd., London, 1905], pp. 187ff.).

Unlike Maimonides, who, in his *Moreh Nevuchim*, was anxious to present the views of Aristotle and the speculative Mohammedan theologians (Mutakallimūn) and who argued with their views where they were not compatible with Judaism, Hirsch was fundamentally unconcerned with the speculative views of the Christian theologians of his time, although he was, as is evident from his work, familiar with them. His aim was rather to build up what he called the 'science of Judaism' out of its own sources. Speculative theology he valued as little as metaphysical speculation in general; his theory of human knowledge and its limits, reinforced by Kant's critical philosophy, had convinced him that there was no scientific value in such speculations. In this respect Hirsch fully agreed with Kant, who in his *Transcendental Dialectic* demonstrated the incompetence of theoretical reason beyond the domain of experience and the futility of metaphysics considered as the science of the absolute.

Hirsch therefore rejected the so-called philosophical or theological 'proofs' of the existence of God. Repeatedly he turned in his writings against such metaphysical speculations, which are beyond the ken and reach of man. On the verse of the Torah **וַיֹּאמֶר לֹא תוּכַל לִרְאוֹת אֶת פָּנַי כִּי לֹא יֵרָאֵנִי הָאָדָם וְחַי**, 'Thou canst not see My face, for no man sees Me and lives,' Hirsch comments: 'Not to see God, but to see the earth and earthly conditions, man and human conditions, from God's point of view, is the loftiest height that can be reached by human minds here on earth, and that accordingly is the one goal to which all men should strive' (Exod. xxxiii, 20).¹

Thus, in his essay on 'Education according to the Eighth Psalm,' commenting on the verse **מִפִּי עוֹלָלִים וְיִתְקִים יִסְדָּה עוֹ**, 'Out of the mouth of babes and sucklings hast Thou ordained strength,' Hirsch writes:

'What is the use of torturing the youthful mind with "proofs" of the existence of God, with doctrines about the essence of God and His attributes, such as eternity, unity, incorporeality, with metaphysical speculations and demonstrations of why God must be eternal, indivisible and spiritual, and all the rest of what is called rational religion or rational theology? In reality the maturest mind of a philosopher knows no more about the essence of God than the simple mind of a child; nor is it necessary for the moral behaviour of man in this world to know more than the Torah tells us about God. It is not the longing for the world beyond which is the essence of Jewish piety; it is rather the joy of life, of active service of God, in our shorter or longer span of existence. To enlighten our mind **לְשֵׁם שָׁמַיִם**, for the sake of God, to ennoble our character for the sake of God, to acquire knowledge and the capacity to earn a living, to found a home and a family, to use all the material and spiritual means at our disposal for the noble and ennobling purpose of the

¹ Hirsch's comments on Exod. xxxiii, 13-xxxv are essential for the understanding of his philosophy of Judaism and Jewish law.

great edifice of mankind which God wants to erect from the generations of the human family, *לחקן עולם במלכות שדי*—this is the aim, the striving for which makes us into pious souls.¹

To Hirsch the idea of God was not a matter of speculative reason but of practical reason in the Kantian sense of the term. On the level of human experience Revelation is the only source of the knowledge of God. In the Jewish sphere, that means that the idea of God is the result of personal or national experience in the history of our people as recorded in the Torah. Revelation of God and Revelation of the Torah are on the same level. Both involved manifestations of the supernatural in the history of our people which have been personally experienced by the whole nation and every single individual in it.

On the Biblical expression *אתם ראיתם*, 'Ye have seen' (Exod. xix, 4), Hirsch comments:

'The basis of your knowledge of God does not rest on belief, which can, after all, allow an element of doubt. It rests solidly on the empirical evidence of your own senses, on what you have seen with your own eyes, have yourselves experienced. In exactly the same words chap. xx, 19, speaks of the fact of the Revelation of the Torah *אתם ראיתם כי מן השמים דברתי עמכם*, "Ye yourselves have seen that from heaven have I spoken with you." The two fundamental truths on which the whole of Judaism rests, *וציאת מצרים ומתן תורה*, the Exodus from Egypt and the Lawgiving on Sinai, stand firmly on the actual evidence of your senses; and, as they were seen, heard, felt, and experienced simultaneously by so many hundreds of thousands of people, every possibility of deception is ruled out. Both these fundamental truths accordingly are completely out of the realm of mere believing or thinking and are irrefutable facts which must serve as the starting-point of all our other knowledge with the same certainty as our own existence and the existence of the material world we see about us.'

The Jewish people therefore is the only nation which does not *believe* in God and in His providence but *knows* of them.

'Unto thee it was shown, that thou mightest
know that the Lord, He is God; there is none
else beside Him' (Deut. iv, 35).

The Jewish people are the only repository of the Revelation of God and His will to mankind. Therein lies the eternal validity of Israel's task and its immortality in the midst of the nations, and the deeper meaning of the prophetic utterance *אתם עדי*, 'Ye are My witnesses' (Isa. xliii, 10).

Once this knowledge of God and the Revelation of His law had been experienced by the people of Israel in a fashion which was empirically certain and admitted of no doubt, it was their duty to hand it down as knowledge, and not as belief, to future generations.

¹ *Collected Writings*, Vol. III, pp. 449ff.

‘Neither with you only do I make this covenant and this oath; but with him that standeth here with us this day before the Lord our God, and also with him that is not here with us this day’ (Deut. xxix, 13-14).

‘Only take heed to thyself, and keep thy soul diligently lest thou forget the things which thine eyes have seen, and lest they depart from thy heart all the days of thy life; but teach them thy sons, and thy sons’ sons’ (Deut. iv, 9).

Here we meet with the conception of tradition in the Jewish sense of this word, as knowledge received by the nation in its totality and transmitted again and again to subsequent generations in their totality. This is in the last resort the meaning of the fundamental utterance of our Sages, that the souls of all of us stood at Sinai (מִשְׁבַּע וְעוֹמֵד מִהָרִּי סִינַי) (*Nedarim*, 8).

Our knowledge of God is based on the evidence of our national community; and there is no need for us to arrive at a *belief* in the existence of God from the observation of Nature and history; the reverse is true. With our *knowledge* of God we look at Nature and history. Thus we see in Nature and history the work of the God of our fathers.

The relationship of the Jew to God is therefore not the outcome of a ‘personal encounter’ in the sense of the modern Jewish existentialists. It is based on historical experience, whose uninterrupted tradition from one generation to another—vicarious experience—is the basis of our knowledge of God for all time to come. It is on this ‘oral history’ that the fundamentals of Judaism rest. These considerations, however, do not exclude the deep and intimate personal relationship of the individual Jew to God at all times. The vital importance of this personal relationship to God in Jewish life and thought is stressed by Hirsch in the opening pages of the *Horeb*.¹

The Revelation of God as the Absolute Being and the Revelation of the Torah as His expressed will are on the same level. In the religious philosophy of the Torah, God is not only the Creator of the universe but also the Universal Lawgiver: and the essence of religion is not primarily a mystical feeling towards the Unknown, but obedience to the laws of God, which rule both man’s individual and collective life. And that is why the injunctions of the Torah are not limited in their scope to what is usually called the ‘religious’ sphere, but are concerned with commercial and public life in the same manner as with prayer and character-training. In the midst of civil laws dealing with such matters as damages, safe-keeping, and pledges there appears in the Torah an exhortation to personal holiness and self-discipline.

The classical Hebrew conception of things Divine and human can, therefore, be characterized much better as *theonomy* (from the Greek *theos*—i.e., God, and *nomos*—i.e., law) than as *theology*.

¹ See also Hirsch’s *Commentary on the Torah*, Exod. xx, 2.

While we can and must understand the individual laws of the Torah in order to carry them out in our lives, we can understand the inner essence of the Torah as little as we can understand the inner essence of God. For, like God, the Torah belongs to the realm of the absolute; essentially it is not a 'phenomenon' but a 'noumenon.' The fact that the Torah is clothed in words dictated by God to Moses and that it 'speaks in the language of man' does not mean that we can always penetrate into its hidden meaning (סתרי תורה).¹ Nor is this necessary for the fulfilment of its commandments:

'The secret things belong unto the Lord our God; but those things which are revealed belong unto us and to our children for ever, that we may do all the words of this law' (Deut. xxix, 28).

When we speak of Revelation we mean both Written and Oral Law, תורה שבעל פה and תורה שבכתב. The doctrine of the Divine origin of both Written and Oral Law, their inseparable unity and their contemporaneous revelation, is part of the very fundamentals of Judaism.²

Judaism, as we have said before, is not a theology but a theonomy. The explanation or rationale of the *mitzvot* is therefore at the centre of Hirsch's system of Judaism. In reality, so he points out, every commandment of the Torah is a basic principle of Judaism. For that reason, some of the halachists of the Middle Ages opposed the setting up of 'articles of faith' within the sphere of Judaism because the presentation of such articles, particularly in the form of a credo, artificially and misleadingly delimits Judaism. The rock foundation of Judaism and perhaps its only article of faith or dogma is the Divine origin of the Torah, which implies the contemporaneous revelation and unity of the Written and Oral Law.

The *mitzvot* are not only the Jew's guide in life but also the source of his *Weltanschauung*. Every detail of the *mitzvot* must be related to the great themes of man's life. Hirsch, therefore, insisted on the exposition

¹ See B. Talmud, *Pesachim*, 119a.

² It would lead us too far to expound here Hirsch's conception of the exact relation of the Oral to the Written Law, which is contained in many passages of his numerous publications, especially in his *Commentary* on Exodus, chap. XXI. The reader is referred to the present writer's 'Introduction to Samson Raphael Hirsch's *Commentary on the Torah*' (contained in Isaac Levy's English edition of Hirsch's *Commentary*, also printed as a special publication, London 5720/1959), and to the following passages in Hirsch's works: *Jeschurun*, Vol. I, 1855, pp. 466-91; *Gesammelte Schriften* (Collected Writings), Vol. I, pp. 80-103; *ibid.*, Vol. V, pp. 351ff. (containing his controversy on this subject with the historian H. Graetz); Vol. VI, pp. 322ff. (containing the memorandum of Rabbi G. Fischer on Z. Frankel's דרכי חשנה, which memorandum was published with Hirsch's approval and comments in his monthly *Jeschurun*); *Commentary on the Pentateuch*, Gen. i, 22, and ix, 18; Exod. xii, 22, xxi, 2, and xxxiv, 27; Deut. iv, 1, and xxxiii, 4; *Horeb*, chap. 78, para. 507, and finally, Hirsch's *Commentary on the Prayer-Book*, section on the שמעאל דר' ישמעאל, pp. 38ff., and the first chapter of אבות אבות, pp. 416ff.

of all the details and minutiae of Jewish law not only in order to promote their scrupulous observance (דקדוק במצוות) but also because he saw in every such detail a mine of information for Jewish philosophy and the Jewish outlook on life.

THE UNIQUENESS OF THE TORAH

Before analysing Hirsch's philosophy of the *halachah*, we must first describe what I would call the negative aspect, that is, what Hirsch considered that Jewish law and Judaism was *not*. In this respect Hirsch takes great pains to show how a wrong terminology taken from outside Judaism, and wrongly applied to Judaism itself, wrought havoc with the understanding of what authentic Judaism really is.

There is first the term 'religion,' which, in the ordinary meaning of the word, cannot, so Hirsch points out, be applied to Judaism without distorting its real meaning. In his *Commentary* on Exodus, vi, 7, which reads as follows: 'And I will take you to Me for a people, I will be to you a Sovereign; . . .' Hirsch says:

'לִי לְעָם—in these two short words, by which for the first time the whole future destiny of Israel is expressed, lies the specific difference, the specialness of Judaism in which it is so absolutely unique. People thoughtlessly choose to include what they so unfittingly call "the Jewish Religion" in the category of religions generally, as being also a kind of religion, and then afterwards they are surprised to find so much within the purview of this "religion" which lies quite outside the sphere of ordinary "religions." "לִי לְעָם—to Me for a people!" This itself already tells us that Judaism, Judaism founded by God, is in no wise a "religion" in the ordinary sense of this word. In Judaism we do find also what is generally understood by religion; but the idea of Judaism is something infinitely wider and different. In "religions" God has only temples, churches, priesthoods, congregations, etc.; nations, peoples, have only relationship to kings, presidents, leaders, and become constituted and built up on the idea of a State and not on religion and God. But here God founds not a church but a nation, a whole national life is to form itself on Him. As a nation, not merely as a religion, is Israel His. . . . While other nations have their national bond in their country, the Jewish nation have theirs in their common God.'¹

This thought is further developed by Hirsch in his essay on 'The Festival of Revelation and the Uniqueness of the Torah,' in which he writes:

'One is accustomed to call the Torah "religion" or Jewish religion, because the word religion everywhere outside Israel describes the relationship of man to God or gods; this word is also invested everywhere else with dignity and holiness; could we not then have found a holier and more

¹ S. R. Hirsch, *Commentary on Exodus* (English edition by I. Levy, London, 5717/1956), p. 68.

The Uniqueness of the Torah

impressive designation for the Torah than religion? And yet it is exactly this term "religion" which has made it so difficult to understand the essence of the Torah . . . What is usually called "religion" outside Judaism relates primarily to something within man, to his conception of God. And any outward observance which is connected with this inward experience is, according to the general idea of religion, only form and, therefore, the inessential and indifferent part of it. Indeed, as long as the thought which inspires a religion is true, its sentiment pure and noble, any form which clearly expresses that inward character is acceptable; and this form must change with the inward religious sentiment. It is here that the danger of identifying the Torah with "religion" becomes manifest. Having once applied the term "religion" to Torah, one naturally concludes that in the sphere of the Torah, too, man's inward frame of mind, his thoughts, conceptions and sentiments alone are the essential things; while the outward observances are merely unimportant forms which may and should change as we ourselves do according to time and circumstance. But, in fact, the whole unique character of the Torah and every word it contains are a living protest against this whole conception.

'It is simply not true that our inward frame of mind and our sentiments are the essence of the institutions of the Torah, while everything else is merely external framework or mantle. What the Torah desires to regulate is not just the thoughts and sentiments of man, but the whole of human existence—man's sensual impulses, his needs and desires, his individual life as well as that of his family, society and State. The Torah is the unique message of God addressed to man in his totality. The doctrinal part exclusively would cover only one small page. Are we then to regard ninety-nine hundredths of its 613 precepts as a mere wrapping which can at need be dispensed with? Only those who have never looked attentively into the Torah can fail to realize how strictly it demands the observance of its laws relating to outward actions, and especially to the physical and sensual spheres of life, which are quite outside the realm of what we usually call religion. Among the many laws belonging to this category we shall mention only the dietary laws and the laws regulating sexual relations. We may be sure that, unless our modern age makes the Torah a "sealed book" for the Jew, it will never succeed in robbing the people of God of its Torah, and giving it an anacemic "religion" instead.

'And finally, let us take those laws of the Torah which are expressly declared to be the embodiment of the thought, and consequently a symbol (*אור*), or, to use the modern expression, a "form"—*e.g.*, Sabbath, festivals, sacrifices, etc. The character of all these laws makes it obvious that the name "religion" does not fit them at all; for in these laws what is called "form" stands forth as something essential, original and eternal.

'Religion in general relates to the thoughts of man which find their expression in symbolic actions: in any system of religion, therefore, the thought is the original, important and essential element, while the external, symbolical expression of it is of secondary importance. *But, unlike "religion," the Torah is not the thought of man, but the thought of God, expressed in Divine laws which are to be carried out by man as symbolic actions.* It is by these symbolic actions ordained in the Torah that the Divine thought is first implanted in man. This

symbolic action is, therefore, of primary importance; it is the most important element in the Pentateuch. The Torah is, therefore, a Divine document the authentic form of which must be kept and preserved with scrupulous accuracy, so that man should be able to study and assimilate the Divine thoughts contained in it.¹

As for the term 'ceremony' or 'ceremonial law,' Hirsch considers that these expressions, first applied to Jewish laws during the German-Jewish Reform era, have done more than anything else to spread a wrong conception of the essence of Judaism and to undermine the Jewish way of life. In an essay entitled 'The Jewish Ceremonial Laws' Hirsch writes:

'There is perhaps not another word in our language which to the same degree as "ceremony" connotes at the same time solemnity of form and hollowness of content.² Not to join in a ceremony, or to infringe one, is never a crime, but, at most, an offence against etiquette. Yet people have dared to apply this most hollow, vague and nebulous of words to "law," to this finest, most earnest and inviolable standard of human action, to the law of God, the all-powerful, all-wise, all-good, and just Lord and Father of man! I say the law of God; for if this also were just a ceremony, if the term "Divine laws" were applied only out of etiquette, out of consideration for sensitive persons or in order to preserve appearances, it would no longer be worth discussing. . . . Let us, then, consult the source, the Book of Law itself, to see whether, in the first place, it is possible that these laws which have been dubbed "ceremonial laws" could really be nothing but meaningless ceremonial and trappings. . . . Let us, finally, look at these laws themselves and then ask ourselves whether we still want to—or may—call them "ceremonial laws" or whether we should not rather for ever banish from our midst this term which undermines the sanctity of our religious law.'³

In the same essay, Hirsch goes on to show, by means of an analysis of the 613 commandments of the Torah, that there is no validity whatsoever in distinguishing the laws of the Torah as between so-called 'ceremonial laws' and 'moral laws,' which latter alone are supposed to have a justified claim to our continued observance. Hirsch shows, on the contrary, that it is just those laws dubbed by the Reformers 'ceremonial laws,' like Sabbath and festivals, circumcision, the dietary laws and that category of laws usually known as *chukim*, which have as their main aim holiness—i.e., the moral perfection of man, and have indeed contributed largely towards moulding the collective character of our nation and the holiness of the brotherhood of Israel.

We have seen how the name 'religion' became fatal to the true understanding of the Torah because that name was given to it in defiance of the fact that the essence of the Torah is in complete contrast

¹ *Gesammelte Schriften*, Vol. I, pp. 83ff.

² The Concise Oxford Dictionary defines ceremony as follows: 'outward religious rite or polite observance; empty form.'

³ *Gesammelte Schriften*, Vol. I, pp. 160ff.

The Uniqueness of the Torah

to what is usually known as religion and its manifestations. Having thus wrongly applied the term 'religion' to the Torah, people subsequently drew conclusions from the application as if it were correct. A similar danger to the understanding of the true essence of the Torah arises from the application of other alien conceptions to the Torah and its institutions.

'Thus one calls the Torah "theology," "Jewish theology." By "theology" we generally understand a system of human ideas and conceptions of the Godhead. God is the highest notion which the human intellect can conceive; and the knowledge or assumed knowledge of things Divine is so remote from the average man, and the systems of theology so complicated, that a whole class of professional theologians came into existence. Compared to these "theologians" ordinary people were and are considered "laymen" who do not know and are not supposed to know the intricacies of theological speculation.

'Nothing could be more senseless than to apply the term theology to the Torah, than to call the Torah "theology" or even "Jewish theology." *For, while "theology" contains the thoughts of man on God and things Divine, the Torah contains the thoughts of God on man and things human.* There is little said in the Torah which refers directly to God and things Divine; and of the inner essence of the Godhead and the supernatural we find in the Torah nothing at all. The Torah tells us rather what God is to us, to the universe as a whole and to every part of it; above all, what the universe, the earth, mankind, Israel and every individual Israelite mean to God the Ruler of them all. The Torah tells us how we should regulate, develop and perfect our intellectual, spiritual, physical, domestic and social relationships on earth; how to sanctify our existence as well as all our endeavours on earth, so that the Divine Glory may abide in our midst during existence here, and our happiness need not be deferred to the life beyond.

'It is this conception of man and human affairs which the Torah reveals to us; it addresses itself to everyone; it speaks of one's most intimate affairs. The Torah does not wish to tell us how things look in heaven, but how they should look in our hearts and homes. And, therefore, it counts on and expects everyone to come to the Torah and draw wisdom from it by day and by night. Thus the Torah does not know of theologians and laymen; it knows rather of a holy nation and a kingdom of priests. It says to everyone, "This commandment which I command thee this day, is not too hard for thee, neither far off . . . but . . . in thy mouth, and in thy heart, that thou mayest do it" (Deut. xxx, 11-14).

'This conception prevailed in Israel as long as the Torah was not called "theology." But since the Torah has become theology for us, we, too, speak of theologians and laymen, and the Torah—once the common property of every cottage and every palace in Israel, and therefore the very soul of our nation—has fled from the cottages and palaces into the study of the gowned theologians and has thus lost its significance for the everyday life and existence of our nation.'¹

¹ *Gesammelte Schriften*, Vol. I, pp. 89ff.

We have now cleared the ground for an exposition of the positive way in which Hirsch tried to explain the *halachah*—that is, the Written and Oral Law, including the enactments and decrees of the Sages. Hirsch set out his method with masterly clarity in the Foreword to the *Horeb*.

He does not attempt to 'prove' revelation, that is, the Divine origin of the Jewish law. Supernatural events cannot be 'proved' in a scientific way. To him it was clear that, as far as the Divine origin of Jewish laws is concerned, one either relies on Jewish tradition for the veracity of the fact of revelation, or one does not. Indeed, as Hirsch expressed himself,

'there is no evidence or guarantee of the truth and reality of an historic fact save our trust in tradition. All sorts of documents and monuments, all kinds of internal and external circumstances may lead you to the conclusion that it is probable, or almost certain, that such-and-such an event did really happen; but who tells you that what you consider probable or even certain has really happened? Or that the very documents from which you draw your conclusions are not in reality forged? What other assurance have you that the conclusions you draw are a safe enough basis for both your present and future course of action, if not your trust in the genuineness of tradition? The fact remains, however, that Jewish tradition—a phenomenon unique of its kind—refers us back to itself only; and that it refuses any documentation by the written Torah, which, after all, is only handed down by that oral tradition and presupposes it everywhere. This itself is the most trustworthy sign of its truth—more trustworthy than any document with seven seals could possibly be. The fact is that Holy Writ contains no direct documentary evidence of this truth of the oral tradition. And yet, a whole nation has joyfully committed the preservation of its existence during more than 3,000 years to the authority of this oral tradition. This shows in the most striking manner how deeply convinced all these generations were of the truth of this tradition; how sure our forebears were of the veracity of what had been handed down to them by their own fathers and would one day be passed on to the children—a truth which they themselves had sealed with their life and death. So completely assured was the people of the faithful transmission of this tradition that it required no other legitimation. Nothing would have been gained—it would even have been dangerous—if Holy Writ (whose authenticity rests in the last resort only on the veracity of tradition) had itself contained a direct legitimation of this same tradition. The same enemies of Israel's tradition—who now use the argument that tradition is not legitimated in the Written Law—would have argued that a clerical error might have crept into Holy Writ.'¹

Similarly, and with the same aim in mind, Hirsch writes in his *Nineteen Letters*:

'Therefore, to the Torah! But, before we open it, let us consider how we shall read it. Not for the purpose of making philological and antiquarian investigations, nor to find support and corroboration for antediluvian or geological hypotheses, nor either in the expectation of unveiling supramundane

¹ *Gesammelte Schriften*, Völ. I, pp. 97ff.

The Uniqueness of the Torah

mysteries, but we must read it as Jews—that is to say, looking upon it as a book given to us by God that we may learn from it to know ourselves—what we are and what we should be in this our earthly existence. To us it must be Torah—that is, instruction and guidance in this Divine world; a generator of spiritual life within us. Our desire is to apprehend Judaism; therefore, we must take up our position in thought within Judaism, and must ask ourselves, “*what will human beings be who recognize the contents of this book as a basis and rule of life given to them by God?*” In the same way we must seek understanding of the *mitzvoth*, the commandments—that is to say, we must strive to know their extent and bearing from the Written and Oral Law. All of this must take place from the standpoint of the object of all this procedure, the finding of the true law of life.¹

What then is the object of our meditation on the Divine laws? In accordance with Hirsch’s method, as set out in the 18th letter of his *Nineteen Letters*, this object is to explain the laws as a given fact, lying before us in our historical religious documents, the Written and the Oral Law—i.e., the Pentateuch and the Talmud. Hirsch begins his Foreword to the *Horeb* with the statement that duties in Jewish parlance are termed ‘*mitzvoth*,’ that is, commandments, given by God. This very terminology is an indication of the fundamental conception in Judaism that the will of God is the sole basis of our duties. Even were every commandment a riddle to us, and we did not know the reason for a single one, this would not in the slightest affect our duty to obey the *mitzvoth*. To meditate upon the law helps towards deepening and spiritualizing one’s performance of the *mitzvoth*. The reason why we meditate upon the law is not to find a reason for obeying, but in order to gain wisdom by ‘re-thinking’ the thoughts of God, expressed and symbolized by the *mitzvoth*. This refers especially to such *mitzvoth* as, by their very nature, demand reflection and pondering—namely, the *edoth*. In the case of these laws meditation on their meaning is part of the performance of the *mitzvoth*.

There is another fundamental consideration to be taken into account in research into the motives of the laws of the Torah and their underlying ideas; it is the distinction between *Shemathetha* and *Aggadetha*. The first refers to the legally binding material of our tradition, the second to our reflection on it.

Whereas in the search for the legal part—i.e., *Shemathetha*, every thinker is bound by the rules of the *halachah*, his meditation on the underlying ideas of the laws is, however, free—as long as he is aware that his theories on the motives of the laws are merely hypotheses and do not infringe either the binding power of the law itself or the range of its validity. This view, which Hirsch made abundantly clear in his Foreword to the *Horeb*, coincides with the view of Shemu’el HaNagid, expressed in his famous Introduction to the Talmud. It has aptly been

¹ *Nineteen Letters on Judaism*, Engl. ed. by B. Drachman, pp. 13, 14.

said that *Shemathetha* and *Aggadetha*—i.e., the law and the meditation on its motives, are to one another as the centre of a circle to its circumference. *Shemathetha* is the centre of the circle, and *Aggadetha* is the circumference, representing one's philosophy and outlook on life projecting forth from *Shemathetha*, the halachic part of Judaism.¹

THE CLASSIFICATION OF THE MITZVOTH

In his *Nineteen Letters* as well as in the *Horeb*, Hirsch divides the commandments into six categories. They are:

(1) תורות: Instructions or doctrines. The historically revealed ideas concerning God, the world, the mission of humanity, and the mission of Israel, not as mere doctrines of faith or science but as principles to be acknowledged by mind and heart and realized in life.

(2) משפטים:² Judgments. Statements of justice towards creatures similar and equal to oneself, by reason of this resemblance and equality—that is, of justice towards human beings.

(3) חוקים: Statutes. Statements of justice towards subordinate creatures by reason of the obedience due to God; that is, justice towards the earth, plants and animals, or, if they have become assimilated with your personality, towards your own body and soul.

(4) מצוות: Commandments. Precepts of love towards all beings without distinction, purely because of the bidding of God and in consideration of our duty as men and Israelites.

(5) עדות: Symbolic observances. Monuments or testimonies to truths essential to the concept of the mission of man and of Israel. These testimonies are symbolic words or actions which carry a lesson for the individual Jew, collective Israel, or mankind in general.

(6) עבודה: Service or worship. Exaltation and sanctification of the inner powers by word- or deed-symbols to the end that our conception of our task be rendered clearer, and we be better fitted to fulfil our mission on earth.

In order to appreciate the originality of Hirsch's classification of the commandments, and especially of his definition of the various categories of our laws, it is necessary to review shortly some previous attempts at such classification.³ What seems to be the oldest attempt at

¹ See S. Ehrmann, *Einführung in S. R. Hirsch's 'Neunzehn Briefe'* (5680/1920), p. vi.

² The order of the categories of the various laws has been slightly changed in the *Horeb*, where it reads '*Toroth, Edoth, Mishpatim, Chukim, Mitzvoth* and *Avodah*.' There does not seem to be an apparent reason for this change except the fact that Hirsch must have come to the conclusion that it would be more consistent to present *Edoth* as a natural continuation of the general religious truths contained in *Toroth*.

³ Cf. L. Zunz, *Gesammelte Schriften* (1876), Vol. II, pp. 190ff. J. Wohlgemuth, *Das jüdische Religionsgesetz in jüdischer Beleuchtung*, Vol. I (1912); Vol. II (1919). A. Gordon, *Die Bezeichnungen der pentateuchischen Gesetze* (1906). G. Lasch, *Die göttlichen Gesetze*, etc. (1857). I. Heinemann, *ישראל במצוות*, Vol. I (5714); Vol. II (5716).

classifying the laws of the Torah is found in *Sifra* on Levit. xviii, 4. This passage reads as follows:

את משפטי תעשו אלו דברים הכתובים בתורה שאלו לא נכתבו בדין היה לכתבן ואת חקתי אלו שיה"ר משיב עליהם כגון אכילת חזיר ולבישת כלאים וחליצת יבמה וטהרת המצורע ופרה אדומה ושעיר המשתלה שיצה"ר משיב עליהם וע"כ משיבין עליהם.

'Mine ordinances shall ye do' (Levit. xviii, 4). These are such laws as, had they not been written in the Torah, human understanding and moral discernment would in any event have demanded. 'And My statutes shall ye keep' (Levit. xviii, 4). These are the laws against which the evil inclination in man (*i.e.*, his sensual nature) rebels, such as, for instance, the prohibition against eating pork, the injunction against putting on *shaatnez* (wool and linen woven together),¹ the law of *chalitzah*,² the law concerning the purification of the *metzarah*,³ the law concerning the red heifer,⁴ the goat that must be sent away into the wilderness on the Day of Atonement⁵—against all these laws the evil inclination of man and the heathen nations rebel.⁶

This passage is in reality not to be considered as a proper classification of all the laws but as an expression of the fact that there are some laws in the Torah whose reasons are either given by Scripture itself or are easily explicable to our human intellect and moral discernment, whereas there are others which cause considerable difficulty to the limited human understanding.

Similarly, the passage in *Makkoth*, 24a, which first speaks of the 613 commandments and then reduces them to fundamental religious and

¹ Levit. xix, 19; Deut. xxii, 2.

² Deut. xxv, 5.

³ Levit. xiv. The word '*metzarah*' has not been translated into the usual version of 'leper,' as Hirsch proves in his commentary on this passage that the translation is wrong.

⁴ Num. xix.

⁵ Levit. xvi. The he-goat to be sent away on the Day of Atonement was a symbol of the removal of the sin and guilt of the community.

⁶ There is a like passage in the Talmud (*Yoma*, 67b), which is, however, not quite identical. It reads as follows: "'Mine ordinances shall ye do'" [Levit. xviii, 4]—*i.e.*, such commandments which, if they were not written in Scripture, should by right have been written, and these are they: The laws concerning idolatry [star-worship], immorality and bloodshed, robbery and blasphemy. "And My statutes shall ye keep"—*i.e.*, such commandments to which Satan objects, they are the laws relating to the putting on of *shaatnez* [Deut. xxii, 2], the *chalitzah* [Deut. xxv, 5], the purification of the *metzarah* [Num. xix], and the he-goat to be sent away [Levit. xvi]. And perhaps we might say these are vain things [laws without discernible meaning or value], therefore Scripture says: "I am the Lord"—*i.e.*, "I the Lord have made it a statute and ye have no right to criticize it."

On the difference between the two parallel passages in the *Sifra* and the Talmud, see Rabbínovitz, *Dikdukei Soferim*, *ad loc.*; Weiss, *Mechilta* on Exod. xv, 25; it is of interest that Maimonides, in *Shemonah Perakim*, VI, enumerates sexual immorality (ערייות) as belonging to *chukim*, whereas in the Talmudical passage they are counted among the *mishpatim* (see on this point *Massoreth HaShass*, *ad loc.* See also *Maharshah* on *Yoma*, 67b).

moral principles cannot strictly be considered as falling within the category of the classification of laws.

Basing his conclusions on such passages, Saadyah Gaon (882-942) introduced the famous classification of our laws into laws of reason (מצוות שכליות) and laws of revelation (מצוות שמעיות).¹ By laws of reason, or rational laws, Saadyah obviously meant those laws which our human intellect and our moral discernment would dictate even if they were not written in the Torah; by laws of revelation (שמעיות, derived from שמועה, revelation, tradition), Saadyah understood such laws as we owe solely to Divine Revelation, which we should never have formulated out of our own thoughts and meditations.² This distinction between rational and revelational laws, although accepted by almost all mediaeval Jewish philosophers, following Saadyah Gaon, was, as we shall see, rejected with good reason by Hirsch. Indeed, that ill-founded distinction led to the wrong classification of our laws into moral laws and so-called ceremonial laws on the part of the German Reformers, and has done much to obscure the understanding of the real nature of our laws.

In Yehudah Halevy's *Kusari* (III, 7) the commandments are classified into three groups:

(1) שכליות, laws of reason; (2) מדיניות, social laws required by any orderly human society; (3) שמעיות or אלהיות, laws of revelation. As can be seen, this classification more or less follows that of Saadyah Gaon. So does the classification of our laws by another well-known mediaeval Jewish philosopher, Bachyah Ibn Pakuda (1050-1100).³

Abraham Ibn Ezra (1093-1169), the famous Hebraist and Bible commentator, went his own way in regard to the classification of the *mitzvot*. His classification is contained in sections 5 and 7 of his small-sized but important work *Yesod Mora*.⁴ He classifies the *mitzvot* in a twofold manner, of which the first can be called an objective and the second a subjective one. The first classification of the *mitzvot* divides

¹ *Emunoth VeDe'oth*, III, 1, 2, 3.

² Whether, and to what extent, Saadyah's classification of the laws was influenced by contemporary Islamic thought it is difficult to ascertain. See on this point A. Altmann, *Saadya Gaon: The Book of Doctrines and Beliefs* (Oxford, 1946), p. 93, footnote ¹, and p. 96, footnote ⁴.

³ Introduction to *Hoboth Ha-Lebaboht*, and Sec. X, 7. It is interesting that Yehudah Halevy in his *Kusari* terms the so-called rational laws ידועות, the known ones (III, 7), whereas Bachyah Ibn Pakuda applies the term ידועות to the so-called revelational laws.

⁴ The full title of the work is יסוד מורא ופוד תורה. In this nowadays little-known work, Abraham Ibn Ezra, a penetrating thinker who was, however, never fond of presenting his thoughts on Judaism in a systematic way, comes nearest to a kind of system of Jewish religious philosophy. From internal evidence (see Sec. I) it seems that the book was written while Ibn Ezra was in London (about 1158). The oldest edition is that published in Constantinople in 1530. There also exists a German translation of the work with explanations of its mathematical and symbolical parts by H. D. Oppenheim (Cambridge and Leipzig, 1840). I am quoting from the Frankfort edition by J. Beer, 1839.

them into 'Fundamentals' (עקריות) and 'Memorials' (זכרונות). The fundamentals are commandments based on religious truths which are 'implanted in the human heart and are knowable to the human discernment' (שקול הדעת), even without special revelation. Among those fundamentals Ibn Ezra counts the Ten Commandments, with the exception of the law concerning the Sabbath, and he maintains that they were known before the Revelation at Sinai as the fundamental moral code of humanity and were only repeated by Moses at Sinai.¹ With regard to such fundamental commandments, it is said of Abraham that he 'hearkened to My voice, and kept My charge, My commandments, My statutes, and My laws' (Gen. xxvi, 5). The second class of commandments, or 'memorials,' were given to remind us of the fundamental religious truths and important events in the history of the world and the Jewish people, such as the Sabbath, the Passover celebration, tzitzith and tefillin. The interpretation of these 'memorials' by Ibn Ezra bears a great similarity to the interpretation of the *edoth* by Hirsch, who describes them as 'monuments or testimonies to truths essential to the concept of the mission of man and of Israel' (*Nineteen Letters*, p. 104). The second form of classification by Ibn Ezra, which we have called the subjective one, refers to three faculties of man which are mainly concerned with the fulfilment of these commandments: faith (אמונת הלב), speech (פה) and action (מעשה). Ibn Ezra bases this classification on the words in Deut. xxx, 14: 'But the word is very nigh unto thee, in thy *mouth*, and in thy *heart*, that thou mayest *do* it.'

Abraham Ibn Daud (1110-1180) also mentions Saadyah's classification of rational and revelational laws, but he himself divides the commandments into four categories: (1) those containing general religious truths, (2) laws of morality, (3) laws of home-life, (4) laws regulating the life of society. It is interesting that, like Hirsch, Ibn Daud objects to a purported differentiation between moral and ritual laws. According to him the so-called שמעיות are only a subdivision of the moral laws. Like Hirsch, Ibn Daud lays special stress on the laws of sacrifices and their details, which he, too, interprets in a symbolic way. The unfortunate consequence of the division of our laws into rational and revelational (which categories were later wrongly called moral and 'ceremonial') shows itself in the fact that even as early as the twelfth century Ibn Daud found it necessary to protest strongly against the wrong notion that the revelational laws (שמעיות) were not meant to be as permanently valid as the rational laws.²

Joseph Albo (1380-1440), in his *Ikkarim* (chap. 20), classifies the commandments into דברים—i.e., general religious truths, like the existence of God, creation *ex nihilo*, revelation, etc.; חוקים, or statutes whose

¹ *Yesod Mora*, Sec. V.

² See *Emunah Ramah* (ed. Weil, Frankfurt-on-Main, 5613), pp. 75ff.

inner motives are beyond human ken, like the dietary laws, the law concerning the red heifer, or the prohibition of wearing *shaatnez*; משפטים, or laws of social morality as enumerated in the *Sidra Mishpatim*. These three categories, according to Albo, correspond to the three attributes of God: Wisdom, Will and Omnipotence.

Maimonides (1135-1204), in his *Yad HaChazakah*, enumerates, as is well known, 14 categories of laws, which he groups round the conceptions of מדע, fundamental truths; אהבה, love of God; זמנים, sanctified seasons; נשים, laws of marriage; קדושה, personal sanctification by refraining from sexual immorality and forbidden food; הפלאה, self-discipline referring to vows and oaths; זרעים, agricultural laws applying to the soil of the Holy Land; עבודה, Divine Service referring to the structure of the Temple and communal offerings; קרבנות, sacrifices referring to individual offerings; טהרה, purity referring to the laws of purity and impurity; נזיקין, torts; קנין, laws of purchase and sale; משפטים, referring to safe-keeping and loans; and finally שופטים, referring to the administration of justice.

Hirsch seems to have been the first of our legal philosophers to try to classify the commandments of the Torah by exclusively using the terms used by the Torah itself (*toroth*, *edoth*, *mishpatim*, *chukim*, *mitzvoth*, *Avodah*), and to interpret them in the manner set out at the beginning of this section. This could not have been an easy undertaking, for the various terms used in the Torah for legal enactments do not always seem to bear the same conceptual content and seem to vary in their connotation from place to place. From the way the terms *toroth*, *edoth*, *mishpatim*, *chukim*, *mitzvoth* and *Avodah*¹ are used in the Torah, it is difficult to give a clear definition of each term. Some modern Jewish thinkers therefore hold that the terms are used as interchangeable synonyms, and only indicate a specific point of view from which a particular law can be considered.²

As far as the order of the terms in the Torah is concerned, here, too, we find a great variety, such as *mishmereth*, *mitzvah*, *chok* and *torah* (Gen. xxvi, 5); *mitzvoth* and *toroth* (Exod. xvi, 28); *chukim* and *toroth* (Exod. xviii, 16); *chukim* and *mitzvoth* (Deut. iv, 40); *edoth*, *chukim* and *mishpatim* (Deut. iv, 45, and Deut. vi, 20); *chukim* and *mishpatim* (Levit. xviii, 5, and Deut. v, 1).

It is noteworthy that the sequence *chukim* and *mishpatim* is very frequent and has been made the subject of a special explanation by Hirsch, as we shall see in due course. Usually, the word *chukim* precedes the word *mishpatim*, even where the terms are used together with other legal terms (for instance, Deut. v, 28; vi, 1; vi, 20, etc.).

¹ Other legal terms used in the Torah are *davar* and *mishmereth*.

² Cf. A. Gordon *op. cit.* pp. 13ff.; J. Wohlgemuth *op. cit.* Vol. I, pp. 44ff; Vol. II, pp. 1ff.

The Classification of the Mitzvoth

The word *chok* (חוק) often stands for law in general in the meaning of the Latin word *lex*, as well as for law of Nature;¹ the word 'Torah' is often used to indicate the whole combination of doctrine and law in the Pentateuch. The fact that the word *chok* is used both for a legal enactment and for a natural law has a deep significance. It indicates the harmony that exists between the laws of the universe and the laws of the Torah, a fact which is often stressed by Hirsch in the course of his writings.² It further draws our attention to the suprarational element which is contained in all the laws of the Torah which can never be fully explained by our limited human understanding. The use of the word *chok* for both natural law and Torah law is also intended to show us that in meditating on the laws of the Torah we should feel ourselves part of the created universe and its cosmological order. Just as all creatures submit involuntarily, that is, out of necessity, to the laws of the universe, which are the laws of God, so man should voluntarily submit himself out of his free will to the laws of God as expressed in the Torah (*Horeb*, para. 616).

In presenting his system of Jewish laws³ within the framework of the terms *Toroth*, *Mishpatim*, *Chukim*, *Mitzvoth*, *Edoth* and *Avodah*, Hirsch was fully aware of the fact that neither in the Pentateuch nor in the other Books of the Bible, nor for that matter in Rabbinic literature, were these terms always rigidly used for the same legal categories.⁴ But he refused to accept the opinion that the designations of the various laws in the Torah are mere tautologies. That would be out of keeping with the whole spirit of the Torah, whose wording is of Divine origin in every detail, and whose every sign and letter therefore bears a deep significance. Detailed research into the legal terminology of the Pentateuch shows that, while some of the legal terms like *chukim*, *mishpatim*

¹ Gen. xxxvii, 26, Levit. xviii, 3, Deut. vi, 24, on the one hand, and Jer. xxxi, 34 and 35, and Job xxxviii, 33, on the other. It is interesting in this connection that in Deut. vi, 20, the word '*chukim*' is used as a special term among other special terms, whereas in vi, 24, the word '*chok*' embraces all categories of law and is used as a general term.

² A similar idea was expressed by the Greek philosophers of the Stoa.

³ The reader is reminded that in the *Horeb* Hirsch deals only with such laws as apply in the Diaspora after the destruction of the Temple. His exposition of the מצוות התלויות בארץ is contained in his *Commentary on the Torah*.

⁴ From many passages in the halachic Midrashim and in the Talmud, it appears that the terms *chok* and *mishpat* especially were often used interchangeably and applied to different legal categories. Thus the *Mechilta* on Exod. xv, 25, applies the word *chok* to Sabbath, and *mishpat* to the commandment of honouring father and mother. In *Sanhedrin*, 56b, we find, on the other hand, that חוק ומשפט refers, as one term, to civil laws, whereas the *Mechilta* on Exod. xv, 25, identifies the word *chukim* with *halachoth* in general. Often, however, *chukim* is used for the laws derived by the Sages by means of the hermeneutic rules; cf. *Sifra* on Levit. x, 11, xviii, 4, *Sifra* on Deut. xi, 32, and xii, 1. See also Mecklenburg on Levit. x, 11, and Malbim on Levit. x, 2; further, Wohlgemuth *op. cit.* II, 4ff. The expressions *chok* and *mishpat* are sometimes even used for the detailed regulations connected with the sacrifices. Cf. Num. xxix, 17ff.

and *mitzvoth* are used as expressions for law in general, they apply at the same time to specific legal categories. In the *Nineteen Letters*¹ there occurs the following passage, which has a bearing on our problem: 'My intention is only to state the concepts under which I arrange the commandments in my mind, merely as a sort of inscription upon the receptacles in which they are contained, in order to arouse in you the desire to become more thoroughly acquainted with their contents, and also to give you data, to settle for yourself the question, "Is this really the concept of the *mitzvoth*?"' To demonstrate that this and many other theories of mine are really correct and true, I reserve, as I have already frequently mentioned, for a future work.'

The last few words obviously refer to Hirsch's *Commentary on the Torah*. If one supplements Hirsch's classification of the *mitzvoth* in the *Horeb* by his detailed research in his *Commentary on the Torah*, one cannot help coming to the conclusion that Hirsch's classification of our laws with an eye to their conceptual content is the most convincing, harmonious and systematic presentation contained in our halachic literature. We shall now consider individual categories of the laws as set out in the *Horeb*, supplemented by some thoughts contained in Hirsch's later works, especially in his *Commentary on the Torah*.

TOROTH

As far as the term *toroth* is concerned, it can without difficulty be applied to the general religious truths of Judaism because the word 'Torah,' although sometimes used for the whole corpus of our laws, originally signifies teaching or doctrine.² According to Hirsch³ the word תורה is etymologically not derived from ירה but from הרה, which means to receive a seed within oneself; in the *hiphil* form הורה it means 'to plant the seed in someone else,' hence to implant the seeds of truth and morality in others; to teach. So that *toroth* are the teachings which God has revealed to us of truth and goodness, which we are to accept in our minds and feelings, so as to beget in us the knowledge of truth and the decision to do good. The value of *toroth* can therefore never lie in their merely doctrinal or theoretical character, but in their motive power, leading to action, as a transforming agency in the lives of men.

¹ Footnote to letter 13, p. 67, in German original (4th edition) and p. 122 in B. Drachman's English translation.

² Because of the all-pervasiveness of law in Judaism, the Septuagint translated the word 'Torah' by the word *nomos*, which in turn has been rendered by the English word 'law.' In reality, however, the word 'Torah' includes legislation as well as doctrine and is used for the whole of Revelation, Written as well as Oral. Hirsch, however, in using the term *toroth* in the course of his classification of the commandments, takes it mainly to mean general religious truths.

³ Cf. *Commentary* on Gen. xxvi, 5, Levit. xviii, 4, and *Horeb*, para. 327.

EDOTH

The acknowledgment of the general religious truths of the Torah and the essential principles of a righteous life does not in itself suffice to build up our lives in accordance with these fundamental principles; there is need, in addition to the *toroth*, of symbolic words and actions, which will stamp the fundamental religious truths indelibly upon the soul, and thus preserve them for us and others. A truth, in order to produce results in practical life, must be impressed upon the mind and heart repeatedly and emphatically. This is the essential conception and function of the *edoth*. The symbols are chiefly those of actions and practices which serve as signs (אותות) of an idea; for the essence of symbolism is the use of a sign or an action as an instrument to convey an idea which is not directly shown but is realized by association. We shall deal more explicitly with Hirsch's system of symbolism in the course of this Introduction. In the case of such commandments as Hirsch grouped under the heading of *Edoth*, it is especially necessary to look for the relation in which the outward action prescribed stands to the thought which is to be expressed, and equally to ponder on this thought in all its consequences. In the performance of these commandments, such a deeper penetration into their significance and the interrelation of all their parts might well be regarded as an essential requirement and as aiding considerably in their proper fulfilment. For, in view of their particular nature, the *edoth* demand reflection, and reflection along definite lines of thought—much more than is the case with other sections of the law. The general aim and method of Hirsch—namely, to explain the commandments in all their details and to search for their underlying ideas, has proved particularly fruitful in the sphere of the *edoth*.¹ Hirsch explains these laws and their minutiae in such a way that sublime and lofty thoughts can be derived from them which elevate the human soul and give life a deeper meaning.² When expounding Jewish ethical ideas, Hirsch never concerned himself with the conceptions of non-Jewish moral philosophers, although their works were well known to him. He was always anxious to derive general moral truths from the Jewish legal and Midrashic sources themselves and used his knowledge of general moral philosophy merely to explain those truths the more easily to contemporary Jewish readers, and especially those who were themselves possessed of a higher general education.

¹ See *Nineteen Letters*, letter 13, and Hirsch's essay 'Symbolism and Law' in *Collected Writings*, Vol. III, pp. 268–447, where Hirsch explains individual *edoth* like *milah*, *tzitzith*, *tefillin* and the vessels in the Sanctuary.

² If our religious laws had been presented to Abraham Geiger in such a way when he was young, perhaps he would never have complained that 'the days of my boyhood were spent in useless studies in the course of which moral teachings were never impressed upon me.' (*Nachgelassene Schriften*, VI, 6); and the religious history of German Jewry, and perhaps of modern Jewry as a whole, might have taken a different course.

MISHPATIM

Under this heading Hirsch includes laws of justice towards human beings as our brothers and equals, children of the same Father, placed in the world by Him with the same claims on life. In reality, *mishpatim* are the practical application of *toroth* in our lives. 'The concept of "justice" is for your conduct what the concept of "the Unity of God" is for your mind' (*Horeb*, para. 321). Justice is the guiding principle of our existence. All our duties are essentially laws of justice towards God, towards our fellow-men and towards beings subordinate to us, such as plants, animals and the earth (*Horeb*, para. 327). The source of justice is God, just as He is the source of any conception of duty (*Horeb*, Foreword). In his later writings,¹ Hirsch constantly stressed the religious character of the very conception of law. This is all the more important because to the modern mind law and religion have little in common. They are almost considered as contrasts. Religion, the 'modern' mind prefers to argue, belongs to the inner world of personal experience and feeling, whereas law belongs to the outer world of social organization. Religion springs from the desire to know God, whereas law is created and enforced by the State. In this view, law does not care about the peace of the soul and is indifferent to the spiritual side of life, while these are just the things religion is mostly concerned with. Legal sanctions, in the view of the modern lawyer, are incompetent to save a man's soul; all they can do is to prevent him from acting in a manner inimical to the welfare of society. The traditional Jewish view of the relationship of law and religion is quite different. For us, law and religion are a unity. Law without religion lacks relation to the Absolute, and religion without law necessarily deteriorates into ineffectual sentimentalism and loses its influence in the affairs of the world; and so both law and religion would fail in their true purpose—the sanctification of human life.

To the Torah, law and religion are almost identical terms. Both have the same and equal authority, both being contained in the same Revelation. Whereas the man-made laws of the secular States contain *some* justice in accordance with the limited faculties of man, the *mishpatim* of the Torah, being of Divine origin, are *absolute* justice.² The man-made laws of human society are based on utilitarian conceptions; at best they are a compromise between the conflicting demands and interests of the various sections of society. Absolute justice is found only in the laws of God, the *mishpatim* as revealed in the Torah of Israel. 'He declareth His word unto Jacob, His *chukim* and His *mishpatim* unto Israel. He hath not dealt so with any nation; and even His

¹ See *Commentary* on Gen. xviii, 19, xxvi, 5, Exod. xxii, Levit. xviii, 4 and 5. *Commentary* on Psalms cxix and cxlvii, and many passages of his *Collected Writings*.

² See also J. Albo, *Ikkarim*, chap. 24.

mishpatim they do not know' (Ps. cxlvii, 19-20). There can be no absolute justice without God. Thus, the testament of our father Abraham enjoins his descendants 'that they may keep the way of the Lord, to do righteousness and justice';¹ as Hirsch comments on this verse, 'a pure moral life before God is the preliminary condition and source for a truly just life of righteousness with our fellow-men.' The experience of the present epoch of history has shown that humanism without a religious basis—*i.e.*, a humanism which denies that man was created in the image and likeness of God, will in the end destroy itself. Far from affirming man's self-confidence and creative power and thus elevating man, an irreligious humanism is bound to debase man by ceasing to regard him as a being of a higher and Divine origin. Worldly humanism must in the end become not only anti-religious but anti-human. This remarkable phenomenon, which the Russian philosopher Berdyaev has called 'the self-destructive dialectic within humanism,' was clearly foreseen by Israel's Sages thousands of years ago when they uttered a warning against any attempt to base law and morality on anything else but a religious foundation.

CHUKIM

In consequence of the well-known passage of the *Sifra* which we have quoted above, *chukim* are usually considered as 'irrational' laws as contrasted to *mishpatim*, which, owing to their 'rational' character, would have been prescribed by human intelligence even if the Torah had not prescribed them. In reality, however, both *chukim* and *mishpatim* can be traced back to a rational principle—namely, the principle of justice. The difference is only that, whereas *mishpatim* are statements of justice towards men as our equals, *chukim* refer to things subordinated to us, including our own body. The same thoughtful regard which we must show to humans, we must show to all lower beings: to the earth, which bears and sustains all; to the world of animals and plants; to our own body, our own mental faculties, our ego, which is most of all our own. What in the case of the *mishpatim* results from the concept of identical personality, flows in the case of *chukim* from the fundamental notion of equal subordination to God. Our duties towards humanity are more intelligible to us because we have only to think of ourselves, our own views and feelings, in order to recognize and sympathize with the demands and needs of our fellow-men. If we could put ourselves as thoroughly in the place of other things, if we could understand the nature and condition of the interrelationship, combined activities and essential unity of our own body and soul, we should find it as easy to comprehend *chukim*, which are meant to rule all these

¹ Gen. xviii, 19.

relationships, as we comprehend *mishpatim*. The *Sifra* rightly describes the *mishpatim* as laws which, even according to general human ideas, would be recognized as necessary and pertinent; and *chukim* as such against which our materialistic nature, and the non-Jewish world which is not trained in the conceptions of the Torah, rebel. At rock-bottom, however, they are both, the one as much as the other, the expression of Divine wisdom and justice. The difference between *mishpatim* and *chukim* is only this. The first are readily grasped by everybody, for they deal with the conditions of order in social life which are apparent to all, whereas the matters and circumstances dealt with by the *chukim*, such as the combined inner spiritual and bodily nature of man and the resulting conditions of his sensual life in relation to his spiritual and moral summons, are not clearly apparent to the human mind, but only to God our Maker. In reality, we know so very little of the inner relationship between body and mind. And so it came about that while the value of the *mishpatim* was recognized by all, the *chukim* were wrongly taken by the superficial judgment of non-Jewish and, alas, also Jewish thinkers to be without spiritual meaning or moral purpose. How right our Sages were when they said more than two thousand years ago that the *yetzer hara* and the nations of the world are opposed to the *chukim*!

The beginning of this development, which took a particularly deplorable turn after the Jewish emancipation and the rise of heretical movements within Jewry, can in a sense be traced back to the terminology of the mediaeval Jewish philosophers who called the *mishpatim* 'laws of reason' (שכליות) and the *chukim* 'laws of revelation' (שמעיות). It is true that neither Saadyah Gaon nor his disciples ever thought of the possibility that their classification of laws could or would be taken to mean that the so-called revelational or 'ritual' laws are or should be less binding on the Jew than the rational or moral laws; or likewise that the latter, in spite of their rational character, should be considered as of other than Divine character. But by Hirsch's day things had changed. The mediaeval classification of our laws into rational and revelational was translated by the Reformers into moral and 'ceremonial' laws, and this 'terminological inexactitude' has wrought havoc in Jewish life. The so-called moral laws were considered as of permanent value, representing the spiritual core of the Jewish legislation, whereas the ceremonial laws were considered as the outward shell which, being only 'stimulating forms suitable to the times,' could be discarded at will as long as the inward frame of mind and the right *Gesinnung* of the Jew was kept intact. And although every page of the Torah is a living protest against this conception, it nevertheless spread to an alarming degree in post-emancipation Jewry, and is, unfortunately, widely held to this very day. Small wonder then that Hirsch not only attacked the

The Classification of the Mitzvoth

term 'ceremonial' or 'ritual' laws as completely misleading,¹ but also declared in his famous controversy with Geiger that there was little meaning or reality in the classification of our laws by the mediaeval Jewish philosophers into laws of reason and laws of revelation.² In his publication *Postscripta*, Hirsch showed in detail how many of the so-called rational laws cannot by any means be justified through the human intellect.³

The conception that *mishpatim* are moral laws and *chukim* ceremonial laws is misleading also for a different reason.⁴ The aim of the *chukim* is to limit our sensual desires. Chief among the *chukim* are the dietary laws and the laws of sexual morality, in connection with which the Torah itself continually stresses the aspect of holiness—i.e., moral perfection based on the freedom of the human will, even in face of the strongest sensual urges. From this alone it can be seen how wrong it is to consider the *chukim* as mere 'ceremonies' in contrast to moral laws.⁵ In this connection, so Hirsch points out, it is of special interest that the first law addressed to man in the Torah—namely, the prohibition against eating of the Tree of Knowledge of Good and Evil, was a dietary law and a typical *chok*: 'With this prohibition, a *chok* in *optima forma*, the education of man for his moral and high godly calling begins.'⁶

In his later writings, Hirsch repeatedly calls attention to the fact that *chukim* and *mishpatim* are usually mentioned together, and that *chukim* are mostly mentioned first. There is a deep reason for this order. The *chukim*, which deal with the character-training of man, are a prerequisite to the *mishpatim*, the social laws, which are based on man's

¹ See Hirsch's essay on the 'Ceremonial Laws,' *Collected Writings*, Vol. I, pp. 160ff., reprinted in English in *Judaism Eternal*, Vol. II, pp. 245ff.

² See *Erste Mittheilungen*, etc., p. 10.

³ *Postscripta* (Altona, 1840), pp. 42ff.

⁴ The wrong description of the *chukim* as 'ceremonial laws' or 'ceremonies' is of non-Jewish origin. Thus the old Latin Bible translation known as the Vulgate always translates the Hebrew expression מִצְוֹת with '*caeremoniae*,' and Thomas Aquinas (1226–1274) divides Jewish laws into '*moralia, quae sunt leges naturae, caeremonialia, quae sunt determinationes cultus divini, et iudicialia, quae sunt determinationes iustitiae inter homines observandae*' (*Summa Theologiae*, I, 11, quaest., 99, art. 4). Hugo Grotius, the celebrated Dutch jurist and theologian (1583–1645), evinced a deeper insight into the nature of the *chukim* when he wrote: '*jus naturale Hebraei vocant: Mizwot, et jus constitutum: Chukim*' (*De Jure Belli et Pacis*, I.C., I, 19).

⁵ Indeed, apart from S. R. Hirsch, a number of Jewish scholars whose minds are not prejudiced by Reform tendencies have suggested dropping the misleading term 'ceremonial laws' or 'ceremonies' and replacing it by a more adequate term. J. Wohlgemuth, in his *Das jüdische Religionsgesetz*, etc., Vol. I, p. 42, suggested 'Heiligkeitsetzge'—i.e., laws of sanctification, whereas M. Güdemann, in his *Apologetik*, p. 130, preferred 'Vorschriften der Lebenshaltung'—i.e., precepts concerning our way of life.

⁶ See *Commentary* on Gen. ii, 17. For a further exposition of Hirsch's conception of the *chukim* see his *Commentary* on Gen. iii, 2–3, xxxvi, 5, and Levit. ii.

being able to control himself. 'The purer the body the clearer will the image of God in it come to be realized, as long as the body submits itself to the spirit.'¹ That the so-called ceremonial laws have the same aim as the moral laws is also evident from the fact that the most typical moral law—namely, the law 'Love thy neighbour as thyself,' appears in the Pentateuch in juxtaposition with a typical 'ceremonial' law—namely, 'thou shalt not wear *shaatnez*' (wool and linen woven together).²

Hirsch's explanation of the *chukim* is one of his greatest achievements in the search for the underlying spirit of Jewish laws. He clearly connected the *chukim* with the sphere of moral philosophy and the conception of holiness. This has special reference to the laws of purity and impurity, the dietary laws and the laws of sexual morality. Other *chukim*, such as the prohibition of certain kinds of mixture (*shaatnez* and *kilayim*) and the rule as to meat and milk (*basar bechalav*), he traced back to the great principle of *למינו*—i.e., that man should not interfere with the order and harmony of creation. As Hirsch considered the *chukim* to be laws aiming at the holiness of the body as being the instrument of the soul, he rejected on principle³ any hygienic explanations as well as any attempt to explain them merely as a protection against idolatrous practices of antiquity. He rightly held that such explanations are capable of undermining the concept of the eternal validity of the *chukim*.

In spite of the fact, however, that Hirsch meditated with such great results on the underlying ideas of the *chukim*, he never forgot that even such meditations, however appealing, are only hypotheses. What is true with regard to all *Ta'amei HaMitzvot*, speculation into the rationale of our laws, is especially applicable to *chukim*. Their ultimate validity and their claim to our obedience are not based on any speculation of ours, or on our ability to understand finally the inner motive of these laws. The ultimate reason of their validity is the fact that God commanded them. As the Psalmist says: *כל מצותך אמונה*, 'the real foundation of all our laws is the conviction of their Divine origin' (Ps. cxix). That is what our Sages intended to express when they said in regard to the *chukim*: 'Perhaps you might say that these laws are vain. That is why the Torah adds "*I am the Lord*"—"I have ordained these laws and it does not behove your limited understanding to query their value or your duty to obey them".'⁴

There is no better paraphrase of this Talmudical passage than the

¹ See S. R. Hirsch's *Commentary* on Gen. vii, 2; See also *Horeb*, para. 454, and I. Grunfeld, 'The Moral and Philosophical Basis of the Jewish Dietary Laws' (Hillel Foundation, London, 1961).

² See Levit. xix, 18 and 19.

³ In contrast to Maimonides, *Moreh Nevuchim*, Part III.

⁴ See *Yoma*, 67b.

The Classification of the Mitzvoth

majestic lines with which Hirsch concludes his exposition of the dietary laws, which are such a typical example of all *chukim*:

‘high above all human speculation stands the Torah, the law of Israel’s life, eternal and immutable like the laws by which the planets move in the sky and the grain of seed grows in the soil. The same God Who laid down the law which Nature of necessity follows, also pronounced the law which Israel is asked to follow of its own free will. And just as the laws of Nature are unchangeable—despite any opinion man may hold—so all speculations on the laws of the Torah can only be an enlightenment of our own minds, but never the cause of their validity; for the *causa causarum* of the laws of Nature as well as the laws of the Torah is . . . God.’ (*Horeb*, para. 454.)

MITZVOTH

In his *Nineteen Letters*, Hirsch pointed out in connection with *toroth* that as far as man is concerned these general religious truths find their ultimate value only if they are realized in man’s active life on earth. The first prerequisite for a godly life Hirsch considered to be justice, which he took as the underlying principle of both *chukim* and *mishpatim*. The second quality is love, which is the basis of that category of laws which Hirsch groups round the term *mitzvoth*.¹ He therefore defined them as precepts of love towards all beings, independent of any legal claim on their part, but merely because of the bidding of God and in consideration of our calling as men and Israelites. The *mitzvoth* are just those commandments which are most intimately connected with what theologians call ‘*imitatio Dei*,’ the emulation by man of God’s qualities of love and mercy. Indeed, the Scriptural verse which is the source of this conception contains the very term *mitzvoth*. ‘After the Lord your God ye shall walk, and Him shall ye fear, and His *mitzvoth* shall ye keep, and unto His voice shall ye hearken, and Him shall ye serve, and unto Him shall ye cleave.’²

In the *Horeb*, the *mitzvoth* are called Commandments of Love and the heading of the first chapter dealing with them reads (chap. 72): ‘To strive through love to draw near to God.’ It is also characteristic that Hirsch quotes at the beginning of this chapter the Scriptural verses which contain the Thirteen Attributes of Divine Love and Mercy.³ ‘*Mitzvah* shows you how through love translated into action you can raise yourself above the level of creation to God. For love is the activity which seeks unasked the welfare and benefit of others’ (*Horeb*, para. 480). It does not matter whether others have a claim on our love or even deserve it, for does God ask whether we deserve His love? As God

¹ The term ‘*mitzvoth*’ is also used as a general term for commandments.

² Deut. xiii, 5.

³ See Exod. xxxiv, 6–7. See also *Horeb*, para. 480.

is merciful, so you also be merciful; as He is gracious, so you also be gracious; as He is long-suffering, so you also show yourself long-suffering. 'As an example which should constantly spur you on to further progress He set before you not a human being, not even the most godlike, since such a one can never be of perfect stature, can never transcend the limitations of space and time, . . . and with his death he ceases to be a living example. He set Himself before you as a model and said: "Follow after Me in love"' (*Horeb*, para. 480).

However, the Torah does not allow love to evaporate into sentimentalism; it is law which must remain the basis—even of love. While love is supreme, the way to love leads only through justice; let no one take credit to himself for love who can be reproached with injustice (*Horeb*, para. 484).¹

AVODAH

Here, too, in this final category of the commandments, Hirsch shows his originality of exposition. *Avodah*, literally Service, is defined in the *Nineteen Letters* as 'clarification and sanctification of our inner powers by word—or deed—symbols to the end that our conception of our task be rendered clearer and we be better fitted to fulfil our mission on earth.' The commandments grouped round the term *Avodah* are the crown of all the others and presuppose their active performance. 'If we take to heart the truths which *toroth* teach us, absorbing them in mind and spirit, if we demonstrate them for us and for others through the *edoth*, if we implement them joyfully in word and deed, in righteousness and love, as *mishpatim*, *chukim* and *mitzvoth* teach us, then our life is a continued *Avodah* or Service of God.' There are two kinds of *Avodah*: our active service in everyday life, which is called outward *Avodah*, and our inner preparation for that activity, which is called inner *Avodah*, or, in the language of our Sages, 'service of the heart' (עבודה שבלב). We cannot equip ourselves to fight against inner and outer dangers, against troubles and passions, when we are engulfed in the very midst of the battle of life, which often robs us of the nobler qualities of the soul: justice, righteousness and love. That makes it necessary to withdraw from time to time from the world of life in order to gain a clear self-appraisal and to replenish, in the presence of God, our inner power of dedication for further service to Him in the ever-continuing hustle and bustle of life. This inner stocktaking and replenishment of our spiritual powers is effected in deed-symbols and in word-symbols. The first we call offerings or sacrifices (קרבנות); the second prayers (תפילות). Both aim at purifying our hearts and our thoughts; they have the same aim and differ only by the mode of influencing the inner self.

¹ See also Hirsch's *Commentary* on Levit. xix, 18.

The Classification of the Mitzvoth

In the ideal state of Jewish life which is postulated during the existence of the Temple in Jerusalem, both modes of worship existed contemporaneously. Prayer followed the offering and often went parallel with it. From the days of the early prophets the whole nation participated in the sacrificial service and for this purpose it was divided into twenty-four divisions or *ma'amadoth* (מעמדות); these representatives of the nation either were personally present while the sacrifices were offered up or assembled at the synagogue at the time of the offerings and said appropriate prayers. Even on the Temple mount itself there were such synagogues;¹ and some of our daily prayers formed an integral part of the sacrificial service. In an extensive and important essay called 'The Shemoneh Esreh,'² Hirsch proves that the Amidah is a 'translation into words of the sacrificial acts.' Arising out of this conception, Hirsch dedicated much of his life's work to the elucidation of the religious and moral ideas which the various kinds of offerings were intended to produce in the minds of those offering them up. As the *Horeb* deals only with laws applicable in the Diaspora and in times when the Temple no longer exists, Hirsch expounded his theory of the sacrifices in his other writings.³ In doing so he uses symbolical as well as ethical thought-categories. True to his general method, Hirsch bases his theory of the sacrifices on all the details of the *halachah* referring to קרבנות, so that nothing seems accidental or without deeper meaning in these halachic details. Thus, the kind of animal offered, the number of animals prescribed, the way in which the various actions of the priests are to be carried out in the course of the *Avodah* in the Temple—all these are the source of spiritual and moral lessons in the exposition by Hirsch. In addition, the offering up of each part of the animal assumes its spiritual meaning, such as, for instance, the suppression of sensuality symbolized by the burning of kidneys and liver, of selfishness by the offering up of the heart of the animal; the consecration of life, of the sentiments, and of one's entire personality to God and the fulfilment of His law are expressed by the sprinkling of the blood, the offering of the incense and the burnt-offering (עולה). Thus the whole sacrificial service consists of symbolic actions of profound significance.⁴

In his polemical writings against the Reformers of his day, Hirsch refuted their false allegations—taken over from Protestant theologians

¹ See *Ta'anith*, 26a; *Yoma*, 68b, *Rashi*, *Ta'amid*, chap. 4, and Maimonides, *Hilchoth Temidim*, chap. 6.

² See *Collected Writings*, Vol. IV, pp. 209–33. This essay has now been translated into Hebrew by A. J. Ephrati-Ordentlich and published in booklet form under the title *Tefilah Shemoneh Esreh VeKorban HaTamid* (Tel Aviv, 5721).

³ See esp. Hirsch's *Commentary on Leviticus*.

⁴ In a monograph published recently in Hebrew under the title גבורת חילוק (Jerusalem, 5718), Rabbi Pinchas Wolf deals extensively with Hirsch's symbolic explanation of the sacrifices.

—that the prophets of Israel were opposed to sacrifices. He rightly explains the various prophetic passages which had thus been misinterpreted by the Reformers as merely expressing the antagonism of the prophets against the mistaken idea that offerings could be allowed to go hand in hand with immoral actions in daily life or could in themselves be considered as replacing good deeds instead of merely symbolizing and promoting them by bringing man nearer to God.¹ The Hebrew word for sacrifice, קרבן, Hirsch derives from the root קרב, 'near'—i.e., bringing man near to God, if followed by appropriate action in daily life outside the Temple. Thus the deletion by the Reformers of the passages in our Daily Prayer-Book which refer to the sacrifices was shown by Hirsch to be as mistaken and presumptuous as their deletion of the references to Zion and the restoration of Jewish nationhood in the Holy Land. Nothing, therefore, is more apt than the study of Hirsch's theory of the קרבנות to enable us to say with deep conviction and fervour the daily supplication in our Amidah: 'O . . . restore the *Avodah* to the interior of Thy Temple, and receive in love and favour both the fire-offerings of Israel and their prayer'; or, as the initial prayer of the Priestly Blessing expresses it: 'And may our prayer be acceptable unto Thee as burnt-offering and as sacrifice. O Thou Who art merciful, we beseech Thee, in Thine abundant mercy to restore Thy Divine presence unto Zion, and the ordained Service to Jerusalem. And let our eyes behold Thy return in mercy to Zion, and there will we worship Thee in awe, as in the days of old and as in ancient years.'²

What the sacrifices (קרבנות) achieved by deed-symbol, prayer (תפלה) achieves by word-symbol. According to Hirsch the gravamen of the Jewish prayer does not lie in petitions to God nor in swiftly passing religious emotions but in honest self-scrutiny before God and in confrontation with the great truths and moral postulates of the Torah. The very word התפלל, from which תפלה, the Hebrew word for prayer, is derived, originally meant to judge oneself. *Tefillah* is thus an honest attempt, in the presence of God, to get a true picture of one's self and to compare what it is with what it ought to be, in order to purify and strengthen one's spiritual and moral powers. The English word 'prayer' does not completely express this concept of *tefillah* because the literal meaning of the word to pray—i.e., to ask for something, only covers some kinds of *tefillah*—namely, בקשה and תחנון.

Of special interest is Hirsch's explanation of the benedictions (*berachoth*) and particularly of the word ברוך as used in addressing God. In his *Nineteen Letters* he describes the *berachoth* as the highest of all

¹ In accordance with the advice of our Sages (*Ta'anith*, 27b), Hirsch propagated the daily study of the laws of the sacrifices, which is considered a replacement of the offerings until the rebuilding of the Temple.

² See Singer's edition of the *Authorised Daily Prayer-Book*, p. 238a.

The Classification of the Mitzvoth

prayers because they provide us with a firm resolution actively to promote and participate in the fulfilment of the Divine purpose in the life of man. *ברוך אתה*, the standard formula of the blessings, means, therefore, 'I solemnly promise and pledge myself to fulfil Thy will and to use all the physical and spiritual powers which Thou hast bestowed upon me in Thy service.'¹ Thus the *berachah* is the summit of the *tefillah*—the inner *Avodah*, which desires us to gather strength for the outer *Avodah*, that is, for life. In this manner we help to further the Divine purpose on earth and become co-operators with God in creating the moral universe.²

This leads to the basic idea of Hirsch's philosophy of Judaism—the sanctification of life. *Avodah* is usually translated by 'Divine Service,' which refers to prayer in the House of God. In an attempt to assimilate Judaism to the dominant faith, the German-Jewish Reformers of the last century introduced the idea into modern Jewish thought that worship of God in the synagogue is the central point in Jewish life, whereas in reality the law of the Torah should permeate and rule the whole of life. Against this fundamental error of 'localizing' God in the House of Worship, instead of allowing Him to become a central force in our life, Hirsch wrote some of his most trenchant essays, in one of which he had the courage to exclaim: 'If I had the power I would provisionally close all synagogues for a hundred years. Do not tremble at the thought of it, Jewish heart. What would happen? Jews and Jewesses without synagogues, desiring to remain such, would be forced to concentrate on a Jewish life and a Jewish home. The Jewish officials connected with the synagogue would have to look to the only opportunity now open to them—to teach young and old how to live a Jewish life and how to build a Jewish home. All synagogues closed by Jewish hands would constitute the strongest protest against the abandonment of the Torah in home and life.' This dramatic passage throws into relief the wrong notion that synagogues in themselves are sufficient to perpetuate Judaism.

To be religious in the Jewish sense of this word does not primarily mean to pray, although prayer is an essential part of all personal religion. To be religious in the Torah sense means to conceive of all human activities as falling within one scheme whose character is determined by the spiritual destiny of mankind. The farmer behind the plough, the workman on the bench, the merchant with his goods and

¹ See Hirsch's *Commentary on the Prayer-Book* (Frankfort, 1906), p. 5; *Commentary on Psalm iv*, 2, and *Horeb*, para. 627.

² See Jacob Rosenheim, 'Aphorismen zur Grundlegung der jüdischen Ethik im Geiste Samson Raphael Hirsch's,' published in *Ausgewählte Aufsätze und Ansprachen*, Vol. I, pp. 27ff. In this essay Rosenheim tries to develop a system of Jewish ethics on the basis of Hirsch's explanation of the words *ברוך* and *קדוש*. See also Elie Munk, 'Zur Bedeutung von *ברוך*,' in *Nachath Zvi*, Vol. IV, pp. 101ff.

the scholar with his thoughts—they all have an equal opportunity of serving God as much as the priest in the Temple; perhaps even more so. In the conception of the Torah only spiritual victory which is won in the arena of life is worth achieving; for the highest aim of Jewish teaching is the sanctification of life in all its aspects. Commenting on the prophetic utterance *היכל ה' היכל ה' המה* (Jer. vii, 3-4), Hirsch says: 'From the point of view of the Torah the real Temple of God is not the mere building of brick and stone, but the Jew whose whole life is a continuous glorification of God . . . either the Torah knows no worship at all or its worship comprises the whole of human life.'¹

What then are the great principles that guided Hirsch in his classification of the laws of the Torah? He himself named them as Justice, Love and Education.² The first principle underlies, as we have seen, the *chukim* and *mishpatim*. The principle of Love underlies the *nitzvot*; and the principle of Education—i.e., the training of ourselves and others to a godly life through observance of the laws of the Torah, underlies the categories of *toroth*, *edoth* and *Avodah*. Thus the system of the laws of the Torah, postulating, as it does, an imposing unity of Religion, Law and Life, conduces to an inner harmony of the human personality and finally to harmony between God, man and the universe.³

THE BASIS OF OBLIGATION TOWARDS THE LAWS OF THE TORAH AND THE INQUIRY INTO THEIR REASONS

Samson Raphael Hirsch, true to his method and his philosophy of Jewish history, asks his reader to accept Judaism as an historical phenomenon, verified by the whole nation who were eye-witnesses at Sinai and by subsequent Jewish tradition. Its only monument being the Torah, we are asked to read the latter with no other object than to find out what Judaism is. The keynote to Hirsch's whole system will be found in the following few lines modestly put as a note under the text of the 18th of his *Nineteen Letters*:

'Two revelations are given us, Nature and the Torah. For the investigation of either only one method exists. In Nature the phenomena are facts; and we are intent on spying out *a posteriori* the law of every one and the connection of all. The proof of the truth or, rather, of the probability of our assumptions

¹ See *Collected Writings*, Vol. I, p. 96, and *Commentary* on Ps. xcii. See also I. Grunfeld, 'The Sacred and the Secular in Modern Life' (London, 1951).

² *Nineteen Letters*, p. 105.

³ See Hirsch's *Commentary* on Gen. i, 31, Deut. vi, 4, and *Horeb*, para. 586. See also I. Heinemann, 'Gerechtigkeit und Liebe—der Grundgedanke in S. R. Hirsch's Philosophie des Judentums,' *Nachlath Zvi*, Vol. I, pp. 208ff.

The Basis of Obligation towards the Laws of the Torah

is again Nature itself, by the phenomena of which we have to test our assumptions, so as to reach the highest degree of certainty ever attainable—namely, to be able to say: Everything actually is as if our assumptions were true; or, in other words: All phenomena brought under our observation can be explained by our assumption. One single opposing phenomenon therefore makes our assumption untenable. It is therefore our duty to gather all experience that can possibly be obtained about the phenomenon which is the subject of our investigation; to examine it in its totality. Whenever and as long as we have not yet been able to discover the law and the connection of any phenomenon which exists as a fact, the phenomenon itself remains a fact for all that. Exactly the same is it with the investigations of the Torah. The Torah is a fact like Heaven and Earth. The Torah, like Nature, has God for its ultimate cause. A fact can be ignored in neither, even if cause and connection are not discovered. We have to trace in it God's wisdom. For this purpose we have first to assume its many particulars to their whole extent as a phenomenon, and to trace out of them their connection among themselves and with the objects they refer to. Our assumptions have to be verified again by the particulars themselves; and here again the greatest certainty obtainable is this: Everything actually is as if our assumption were true. But as in Nature the phenomenon remains a fact although we have not yet comprehended it as to its cause and connection, and its existence is not dependent on our investigation, but *vice versa*, thus also the components of the Torah remain the law even if we have not discovered the cause and connection of a single one.'

For Hirsch the Torah is thus axiomatic, as unquestionably real as Nature itself. To doubt or question this would be to put oneself outside Judaism. That is why Hirsch utterly refuses to consider the question of the authenticity of Revelation and the binding character of Jewish codes. One cannot have it both ways; either the Torah is Divine and authoritative, and human criticism of it is as irrelevant as it is irreverent, or the Torah is a human document of great interest but transitory and of no binding authority. To the Reformers of his time who wanted to have it both ways, Hirsch scornfully replied: 'If the Torah were to me what it is to you, I should consider it a great wrong to put it into the hands of our youth and to twist the meaning of the clearly expressed commandments and prohibitions so that they appear not to be binding upon us any longer, and thereby calm the conscience of our youth. I would tremble at such a betrayal of our young. I would rather derive the moral law from the conscience which is embedded in every human breast and leave the Torah to fall to dust among the antiquities of bygone times. Either the Torah is the word of God and means what it says, or it has not any human value either.' By the last few words Hirsch obviously means that it would be dishonest to describe something as being of Divine origin which is not; either the words constantly repeated in the Torah *וידבר ה' אל משה לאמר*, 'And the Lord spoke to Moses, saying, etc.,' mean what they say, or they are a pious

deception; and all our Sages and teachers who took them to mean what they say would be deceived deceivers. There is no getting away from this stark alternative in spite of all the fine words used by the Reformers and those following them, such as 'Divine inspiration' or 'progressive revelation.'

The basis of the binding power of the commandments of the Torah is not our acknowledgment of their moral and human value but the fact that God has commanded them. 'The Lawgiver commands but does not argue,' writes an ancient legal philosopher (Seneca). If this is true of man-made laws, the argument applies *a fortiori* to Divine laws. The Divine imperative is its own self-sufficient motive. Or, as Hirsch expressed it:

'Even, therefore, if every Divine precept were a riddle to us and presented us with a thousand unsolved and insoluble problems, the obligatory character of the commandments would not in the slightest degree be impaired by this. Whatever command or prohibition of God it may be that prompts one to ask why one should do this and not do that, there is but one and the same answer: Because it is the will of God, and it is your duty to be the servant of God with all your powers and resources and with every breath of your life. This answer is not only adequate; it is essentially the only one possible, and it would remain so if we were ourselves able to penetrate into the reason for every commandment, or if God Himself had disclosed to us the reasons for His commandments. We should have to perform them, not because there was such-and-such a reason for any commandment, but because God had ordained it . . . If, therefore, the Torah itself repeatedly calls upon us to study the law unceasingly and to absorb it to such a degree that it becomes our wisdom and understanding in the conduct of our life, this cannot mean that we should use the intellectual faculties granted to us by God to examine the law of God merely with the idea of making our recognition of its binding force and our acceptance of our duty to fulfil it dependent on the result of such examination. If we did that, we should make the law nullify itself. No; the recognition of this power and the acceptance of this obligation must be awake in us immediately after we have heard the Divine utterance. We must, indeed, bring the recognition and the acceptance with us to the hearing, like our ancestors at Sinai, who before they had heard the contents of the Divine law declared their acceptance of the obligation to fulfil it, in the profound conviction that they had no other purpose in life than to fulfil the will of God.'¹

This is the true Jewish way of approaching the commandments of the Torah and it is contained in the immortal words used by our forefathers at the Revelation at Sinai: **נַעֲשֶׂה וְנִשְׁמָע**, 'כל אשר דבר ה' נעשה ונשמע', 'All that the Lord has said, we shall do and understand.'² The Hebrew words contained in this verse **נַעֲשֶׂה וְנִשְׁמָע** have since become the classical

¹ See S. R. Hirsch, Foreword to the *Horeb*.

² See Exod. xxiv, 7.

The Basis of Obligation towards the Laws of the Torah

expression of the loyal Jew's attitude to the Torah: to arrive at the understanding of the laws by fulfilling them first; or, as the Psalmist puts it: *שכל טוב לכל עשיהם*, 'The right understanding of the laws comes to him that fulfils them.'¹

This fundamental conception is expressed by the *Aggadah* of the Talmud in the following way: 'When the Israelites put the "doing before the understanding,"² six hundred thousand Ministering Angels came and set two crowns upon each man of Israel, one as a reward for "we will do" and the other as a reward for "we will hearken (understand)">' It was a heretic, the Talmud continues, who used the words already in Talmudical times which from that time thenceforward have been constantly addressed to those loyal to God's law: 'Ye rash people, who give precedence to your mouth over your ears: ye still persist in your rashness'—meaning to say, 'you first pledge obedience to the laws of God and only then you try to understand them.' But the reply of the Talmudical Sage still holds good: 'We who walk in integrity, of us it is written,³ "The integrity of the upright shall guide them." But of others, who walk in perversity, it is written, "but the perversenesses of the disloyal shall destroy them".'

It is this conception of our forefathers which Hirsch expressed in the following words: 'Within the circle of Judaism the Divine law must be the soil out of which your intellectual and spiritual life is to grow, not *vice versa*: you must not from your intellectual and spiritual life produce the basis on which to establish a Divine law.'⁴

It was here that Hirsch inescapably clashed with the Reformers of his time, who would make the acceptance of the binding character of the laws of the Torah dependent on man's individual conscience and his own moral judgment, however limited human understanding and moral discernment might be; and who, in typical Pauline fashion, described the *mitzvoth* of the Torah as mere legalism and formalism

¹ Ps. cxi, 10. See also B. Talmud, *Shabbath*, 88; *Yalkut* on Ps. ciii, and Hirsch's *Commentary* on this Psalm and on Exod. xxiv, 7; xxi, 2; and xxxiv, 27.

² Literally, 'gave precedence to "we will do" over "we will hearken"'. The Hebrew word שָׁמַע used in that connection means both 'to hear' and 'to understand.' The expression נִשְׁמַע וְנִשְׁמַע therefore not only implies that in the hour of the Revelation at Sinai our ancestors, following their complete trust in God, promised to obey His commandments even before hearing them, but also the conviction that in fulfilling them our minds will be attuned and enriched in such a way as to be able to trace, grasp and re-think the Divine thoughts underlying God's commandments.

³ *Mishlé*, XI, 3. The Hebrew word (תָּמָר) used here for 'integrity' or 'whole-heartedness' is the same as that used of Abraham in Gen. xvii, 1 (תָּמִים). It implies complete trust in the guidance of God both morally and intellectually and describes the right attitude we should adopt towards the commandments of God in observing them as well as in meditating on their underlying ideas. This attitude in turn follows from the conception of נִשְׁמַע וְנִשְׁמַע, 'we will do and understand' (Exod. xxiv, 7).

⁴ Hirsch's Foreword to the *Horeb*.

without any spiritual or moral value. A contemporary Jewish writer and follower of Hirsch has aptly characterized this attitude of the Reformers in the following words: 'This "Modern Judaism" is very, very old. It is as old as Judaism itself. From the very first appearance of Judaism it showed itself; it seems as if it is naturally inherent in it. Whatever form it may assume, it always shows the same primary motors; impatience of any authority from within, attachment to everything from without.'¹ In the days of the German Reformers it was the moral philosophy of Immanuel Kant, and especially his conception of moral autonomy, which provided the intellectual framework for the insistence of the Reformers that obedience to Jewish law was dependent on the individual Jew's moral conscience and judgment. To Kant, autonomy of the will—i.e., moral self-legislation, is the sole principle of all moral laws and of all duties which conform with them. On the other hand, heteronomy of the will, consisting in laws imposed on us externally, not only cannot be the basis of any obligation but is, on the contrary, opposed to the principle thereof and the morality of the will.² Kant, whose moral philosophy is the culmination of nineteenth-century individualism, insisted on moral autonomy to such an extent that any law coming from outside (heteronomy), even if that 'outsider' (*heteros*) is God Himself, must be subject to the scrutiny of man's own conscience and moral self-legislation. This follows, or so Kant thought it followed, from his famous formulation of the categorical imperative which brooked no condition or motive other than the moral law in man. To Kant, only autonomy was the basis of true morality, whereas any kind of heteronomy must lead to spurious morality.³ Judaism, on the other hand, is, at the beginning at least, heteronomy in so far as its system of theonomy presupposes a legislation based on the will of God which the Jew embraces as his own will and is thus led to autonomy. We shall return to the Jewish conception of moral heteronomy and moral autonomy later on. But even from Kant's point of view, there is, as one of his later non-Jewish disciples has pointed out, a serious flaw in his argument that only those actions can be considered as moral which are justifiable before the moral conscience of each individual. 'If I accept the commandments of God as morally binding for me, I do this because the conception of God includes His attribute as the highest moral Being. It is therefore my own moral will which I have recognized

¹ S. A. Hirsch, 'Jewish Philosophy of Religion and Samson Raphael Hirsch,' in *A Book of Essays* (London, 1905), p. 188.

² See *Critique of Practical Reason*, Book I, chap. 1, Theorem IV, Eng. translation by T. K. Abbot, 6th edit. (Longmans, London, 1959), p. 122. *Fundamental Principles of the Metaphysic of Ethics*, Eng. translation by T. K. Abbot, 10th edit. (Longmans, London, 1955), pp. 60, 61.

³ See *Grundlegung zur Metaphysik der Sitten*, Reclam edit., p. 79; Abbot's Eng. edition (*Fundamental Principles of the Metaphysic of Ethics*), p. 71.

The Basis of Obligation towards the Laws of the Torah

as identical with the will of God; with the commandments of God I obey at the same time my own moral imperative . . . I affirm the heteronomous commandment, make it a norm of my own will, and thus I act autonomously, although at the beginning I did not carry the norm for my moral action in myself, but it reached me from outside.'¹ This, in truth, is the Jewish traditional position and this is exactly the line of argument which Hirsch used in his refutation of Geiger's attempts to justify the non-obedience of the laws of the Torah on the grounds of Kant's doubtful conception of moral autonomy.² Two generations later, Hirsch's grandson and foremost expositor, Isaac Breuer, who was himself an expert in Kantian philosophy, summed up the position admirably in the following words:

'Kant stands on the threshold of Judaism—but he proceeds no further than that. Within himself he sensed the universal moral law, just as he sensed within himself the universal theoretical law. He was, indeed, the discoverer of the latter; for the Creator, Who created man in "His image," had endowed him with the ability to recognize that which exists and to dominate it. But Kant did not discover the universal moral law; for the moral universe is not what is but what should be. The conception alone of that universe and the striving for it has been instilled in mankind by the Creator in order that he may hear, obey and perfect. Kant confounded this yearning for the universal moral law with the law itself and thus came to his conception of the autonomy of human will and to complete negation of the moral heteronomy (of laws given not by oneself, but by someone else), even though it is God that stands for the *heteros*. Ultimately, it was the serpent that spoke out of his mouth: "You will be as God, knowing good and evil." The way of Judaism is completely different. It starts out with the heteronomy of God's law and it leads to an autonomy, to a "sanctity" which embodies God's will completely in the will of self.'³

'As Kant did not know the cosmonomy of the Torah he was obliged to proclaim the autonomy of man . . . The world in itself, however, is not being moulded by our will. It is rather the other way round: our own will is moulded by the world in itself. It is only the cosmonomy of the Torah which can redeem our will from the heteronomy of the world in itself. What Kant understood by the autonomy of man *vis-à-vis* the world of the will is nothing else than the *idea* of the cosmonomy of the Torah. Here lies his fatal error; the idea of cosmonomy is not yet the cosmonomy itself . . . Any attempt on

¹ See Paul Hensel, *Hauptprobleme der Ethik* (Leipzig-Berlin, 1924), 2nd edition, pp. 52–53.

² See S. R. Hirsch, *Erste Mitteilungen*, etc., pp. 10ff. Kant himself, by the way, felt the difficulty in his system, as he pointed out in his *Critique of Practical Reason*, when he spoke on the relationship of religion to morality and tried to prove that Christianity was autonomous (see Kant's *Critique of Practical Reason*, English translation by T. K. Abbot, 6th edition [Longmans, London, 1959], p. 226).

³ See S. Ehrmann, 'Isaac Breuer,' in *Guardians of our Heritage*, edited by Leo Jung (New York, 1958), p. 627; see also Isaac Breuer's essay on 'Lehre, Gesetz und Nation' ('Doctrine, Law and Nation') in *Wegzeichen* (Frankfort, 1923), pp. 15ff., and his posthumous work *Nachliel* (Tel Aviv, 5711), pp. 95ff.

the part of human beings to develop a cosmonomy out of its idea cannot succeed. Only the Creator Himself can do this because only He possesses the full knowledge of the inner essence of the cosmos, whereas the utmost we humans possess is merely an idea of the cosmos but not the mystery of the cosmos as creation—i.e., of the world in itself.¹

Thus even Kant, who must be counted among the greatest of human minds, remained at the threshold of Judaism. But for a non-Jew who lacked the benefit of authentic Torah tradition to get, by virtue of the speculative power of his own mind, as far as the very threshold of the Torah was no mean achievement. Hirsch, who had an acute philosophical mind and who was thoroughly acquainted with Kant's philosophy, had recognized that the *Critique of Pure Reason*, which so clearly demonstrates the boundaries beyond which human knowledge cannot possibly penetrate, was one of the greatest achievements in the history of philosophy and especially in the sphere of the theory of knowledge. But Hirsch also recognized that Kant's *Critique of Practical Reason*, with its conception of moral autonomy, was based on a tragic error. Geiger, on the other hand, who, although a great scholar in the sphere of comparative philology, did not possess Hirsch's philosophical acumen, transferred Kant's error to the sphere of the Torah, deeming it to be an aid and a philosophical justification for his sweeping reforms and the attempted abrogation of the legal part of the Torah. It was unfortunate that the German-Jewish Reformers, who quoted Kant in and out of season and, so to speak, carried Kant's Prolegomena in their pockets, failed to apply his first principles to the study of Judaism as a given phenomenon.² Where Kant was strongest they rejected him; where he was weakest they accepted him.

In spite of the incompatibility of Judaism and Kant's conception of moral autonomy, Geiger not only adopted the latter but made it the basis of his rebellion against Jewish law. His views were first expressed in two essays³ which contain the stock-in-trade of all arguments used by the Jewish Reformers against submission to Jewish law to this very day. In his reply⁴ to and refutation of Geiger's views, Hirsch first gave the following fair summary of his opponent's exposition: (1) the essence of Judaism consists in the sanctification of thought and life through free development of our inner moral power; (2) all our actions must be the

¹ See Isaac Breuer, *Der neue Kusari* (Frankfort-on-Main, 1934), p. 358.

² Cf. S. R. Hirsch, *Erste Mitteilungen*, etc., pp. 59ff.

³ See Abraham Geiger, 'Die Rabbinerzusammenkunft,' in *Wissenschaftliche Zeitschrift für jüdische Theologie*, Vol. III, pp. 313ff., and 'Der Formglaube in seinem Unwerth und in seinen Folgen,' *ibid.*, Vol. IV, pp. 1ff.

⁴ See S. R. Hirsch, נפתלי ונפתלי, *Erste Mitteilungen aus Naphtali's Briefwechsel* (Altona, 1838), pp. 1ff, and his essay on 'Sivan,' *Collected Writings*, Vol. I, pp. 88ff. This last essay was republished in English translation by the present writer in *Judaism Eternal*, Vol. I, pp. 88ff.

outcome of free moral conviction. This is the core of Judaism; everything else is only an outward shell, added in the course of our history through the sadness of the times; (3) our actions must not be subject to an absolute compliance with the law; (4) Judaism lays the main stress on 'Gesinnung'—i.e., our inner frame of mind and moral conviction, which must be so strong as to produce the right action in every situation of life; (5) in order to create and keep alive that 'Gesinnung,' or inner frame of mind, Judaism considers expedient a few stimulating forms which must be suitable to the times; (6) the striving after self-sanctification presupposes the consciousness that salvation can come only from moral autonomy, and that our actions are of moral value only if they flow from a motive and purpose clearly recognizable to ourselves and aiming at our own perfection and that of our fellow-men. As soon, however, as there is added a 'must'—i.e., a demand that given laws are never to be disobeyed, our free moral conscience is darkened.¹

In the course of his essay 'Der Formglaube in seinem Unwerth und in seinen Folgen,' Geiger called obedience to Jewish law, unless it corresponds to one's own personal conviction and inner frame of mind, 'Hundegehorsam' (dog-like obedience), an expression which horrified Hirsch to such an extent that when repeating it in his controversy with Geiger he always added the words: 'God forgive me for repeating this blasphemous expression.' In his reply to Geiger, Hirsch reproached him not only for having taken over a moral philosophy from without and entirely at variance with Judaism, but also with having performed a 'conjuring trick' with the conceptions 'inner moral power' and 'free moral conviction,' as if the latter necessarily included and presupposed the former. This, however, as Hirsch points out, 'is completely wrong.' If a person makes the will of God his own will, and fights his evil inclination by submitting himself to the will of God, he develops his moral power although this action is not the consequence of his own moral discernment and of a purpose recognized by himself. For moral power and one's own moral discernment do not depend upon one another.² In the same way, Hirsch reproached Geiger for having taken over the views of Kant and of Protestant theologians on the essence of Jewish law, instead of consulting the Torah itself. 'Have you ever,' he asks Geiger, 'looked into the Torah? If so, show me one single commandment in the Torah which considers our own moral discernment of the purpose and motive of the law as a condition of its binding power! Show me one duty enjoined by the Torah, and one appeal to our moral power, which is not expressed as a direct commandment of God, never to be disobeyed and for which God does not ask unconditional

¹ See *Wissenschaftliche Zeitschrift für jüdische Theologie*, Vol. IV, p. 11.

² See S. R. Hirsch, *Erste Mittheilungen*, p. 7.

obedience!' 'Thou shalt,' and 'thou shalt not.' This is always how the Divine will addresses itself to our moral power; and everyone who makes the Divine will his own does develop his moral power, although he is not capable of understanding the ultimate purpose of the Divine commandments. If Geiger were right in his assumption that the core and essence of the Torah is '*Gesinnung*,' that is, our inner frame of mind, and that the commandments of God are only 'a few stimulating forms suitable to the times but not demanding our obedience,' then indeed the 613 commandments would be nothing but impediments to our moral power instead of opportunities to develop it by submitting our will to the will of God. But in reality, among all the 613 commandments, only a few refer to our inward frame of mind, whereas the overwhelming majority ask for an outward action first—which is not a 'stimulating form suitable only for the time being' but a permanently binding law of God, out of which our moral power and conviction grow in the course of the fulfilment. Geiger's theory of the laws of the Torah as stimulating and temporary forms whose purpose it is merely to give expression to one's inner frame of mind is completely at variance with the solemnity with which the Torah commands these actions and with the severity of sanctions pronounced for their infringement; and this refers particularly to those very laws which the Reformers wanted to get rid of by dubbing them 'ceremonies,' such as the dietary laws and the laws of Sabbath, which would not take an important place in any system of moral philosophy invented by man. For example, the partaking of forbidden fat, or of blood, is punishable in the legal system of the Torah by excision (כרת), and the carrying out of a *melachah* on Sabbath is punishable by capital punishment (סקילה). In contrast to these so-called 'ceremonial' commandments, infringements of 'moral prohibitions,' apart from murder and adultery, are not subject in the Torah to capital punishment, and for many of these infringements there is no punishment at all. In a phrase which has a typical Hirschian ring and irony about it, Hirsch adds the following argument. 'If the man who was found gathering sticks upon the Sabbath day, and who consequently suffered capital punishment,'¹ had been found to utter a lie, even the biggest lie, such as, for instance, that Dr Geiger's theory is Jewish, however much the Torah abhors lies, that man would not have been punished at all' (not even a man who declares that he does not believe in God is punishable in Jewish law, which never penalizes mere wrong thoughts or heretical beliefs). All these, Hirsch continues, are facts of Jewish law which await explanation and cannot be simply ignored as Geiger chose to ignore them. These legal facts clearly show that Geiger's theory of Judaism and Jewish law is not only un-Jewish but unscientific.

¹ See Num. xv, 32.

The Basis of Obligation towards the Laws of the Torah

How did all this come about? asks Hirsch; and he answers, because the Reformers did not base their religious system on the Torah, because they did not develop it organically within Judaism but brought with them a moral system from outside, put *a priori* demands on Judaism, which ought to be this and that, instead of objectively investigating the sources of Judaism. When studying the Torah, the Reformers look at it not as it is, but as it ought to be from the point of view of their preconceived notions and with the object of 'modernizing' it, instead of examining the sources of Judaism as given phenomena. It is characteristic of modern science that it prefers not to construe *a priori* that which can be brought within the scope of observation. Instead of starting from a certain general principle under which everything has *nolens volens* to be forced, modern science, when considering things visible, including historical documents, rightly starts from observation and is not satisfied till the subsequent generalizations have been verified by facts. Consequently, any theory concerning Judaism as a religious philosophy or relating to the underlying ideas of any individual law of the Torah must be checked by and out of the classical sources of Judaism—*i.e.*, the Written Text of the Torah and the Talmud, which contains its authentic interpretation. Both together form what is known as the Torah in the wider sense of the word. Any contradictory statement contained in the Written or Oral Law would of necessity invalidate the proposed theory or hypothesis about the Torah, just as a single contradicting phenomenon in Nature would render a proposed theory or hypothesis about Nature untenable.

It was Hirsch's great merit to have applied to Judaism these methods of reasoning. In that investigation of Judaism 'from within' ('*aus sich selbst heraus*') Samson Raphael Hirsch applied the methodology of natural science, with the only difference that legal facts took the place of natural facts. Thus Hirsch, the representative of strict Orthodoxy, was much more up to date in his method of research into and presentation of the Torah than the Reformers who prided themselves on being 'modern and enlightened.'

It was, indeed, the cardinal mistake of post-emancipation Jewry that its leading non-Orthodox thinkers, instead of basing their thoughts on the thought-categories of Jewish tradition, used the unscientific method of approaching Jewish thought with preconceived notions based on *a priori* systems from outside. For anyone who knows the system of Kant, it is obvious that Geiger and his followers adopted Kant's conception of the so-called 'religious ceremonies,' which in turn was influenced by Christian thought. For Kant, religion was merely a system of morality. He did not know Jewish law. What he knew of so-called 'ceremonies' was influenced by the teachings of Paul and Luther. Indeed, the latter's phrase, 'it is not the good deeds which make a good man, but the good

man who does the good deeds,' could be taken as a paraphrase of Geiger's view of the *halachah*. The '*Gesinnungsethik*' of Kant, which Geiger took over in its entirety, influenced modern Christian theologians to such an extent that Kant has been called the philosopher of Protestantism. Although Kant's theory of autonomy and heteronomy militates against any positive religion—for every religion is based on what God wants man to do and has therefore a heteronomous element—Kant tried desperately to prove that Christianity was autonomous because 'the Christian principle of morality is not theological (so as to be heteronomy) but is autonomy of pure practical reason, since it does not make the knowledge of God and His will the foundation of these laws but only of the attainment of the *summum bonum*, on condition of following these laws.'¹ In any case, the theory of autonomy or moral self-legislation does not seem to be in conflict with the 'religious ceremonies' of Christianity, which are merely the unimportant shell to the core of Christian religious doctrine. From the Christian point of view, as from the point of view of any 'religion' so called outside the sphere of the Torah, Kant was consistent when he stated that 'whatever man invents by way of serving God other than a moral life is a mistaken and superfluous ceremonial'—for he clearly referred to man-made ceremonies, which are only the outward expression of man's religious thought.² Jewish laws, however, the essence of which Kant could not be expected to know, are, as Hirsch never tired of pointing out, not man-made ceremonies but Divinely prescribed symbolic acts by which godly thoughts enter the human mind: or, as Rabbi Bezalel Loeb (*Maharal* of Prague) put it, the *mitzvot* are the ladder on which the Jew ascends to the higher life of the soul.

Kant was not expected to know the essence of Jewish law; and yet with the insight of a genius he sensed that Judaism is fundamentally different from other religions and expressed his astonishment at the fact that 'Judaism is really not merely a religion but a religious "*Staatsverfassung*"'—i.e., constitutional law in the sense of revealed legislation. The early Reformers, most of whom had studied at the *yeshivot*, should have known better than to take over Kant's moral philosophy and make it the basis of a 'Judaism' which in reality was anything but Judaism.

Perhaps Isaac Breuer was not far from the truth when he stated that had Kant been a Jew and known the essence of Jewish law, he might have spared us the Reform movement.³

¹ See Kant's *Critique of Practical Reason*, English trans. by T. K. Abbot, 6th edit., p. 226.

² Cf. on this point Hirsch's essay on 'The Uniqueness of the Torah,' in *Collected Writings*, Vol. I, pp. 80ff.; see also p. lxxv of this Introduction.

³ See Isaac Breuer, *Der neue Kusari*, p. 359.

JUDAISM AND THE MORAL LAW INNATE IN MAN

Hirsch's strong opposition to the unwarranted claim of moral autonomy in the Kantian sense of the moral self-legislation of the individual does not, however, mean that he was oblivious of the fact that the yearning for the moral law is implanted in every man.¹ Hirsch often speaks in his writings of 'the conscience which is embedded in every human breast,' and he stresses this human conscience as the Voice of God. He also speaks of 'inner Revelation' concerning the individual,² and the moral law which is innate in every human being and is identical with a sense discriminating between what is right and wrong. This inner revelation or human conscience is common to all human beings. On the principles of morality in the breast of every man are based the so-called Seven Noachide Laws, which are a general moral code for humanity.³ As the non-Jew is merely commanded to fulfil the Seven Noachide Laws, which represent a universal moral code for mankind, the righteous Gentile is as precious in the sight of God as is the Jew who fulfils the commandments of God enjoined on him as an additional task springing from the election of Israel. Hence the solemn declaration of our Sages: 'I adjure you that whether Gentile or Jew it is only in accordance with his deeds that the spirit of God rests on man.' It is, however, essential that the Noachide Laws should be obeyed as commandments of God and not as a result of man's own speculative reasoning and moral discernment.⁴

The principle of a general humanism, Hirsch continues, we might discern by listening to the voice of our inner conscience and by applying the rule of Hillel that that which is distasteful if done to you, do not do

¹ There was hardly anything coming from outside Judaism which impressed Hirsch more than Kant's beautiful apotheosis of duty (see *Fundamental Principles of the Metaphysic of Ethics*, Engl. edit. by T. K. Abbot, p. 19 and elsewhere), his insistence on conscience as the tribunal in man (see Preface to the *Metaphysical Elements of Ethics*, Eng. edit. by T. K. Abbot, p. 321), and Kant's famous sentence at the conclusion of his *Critique of Practical Reason*: 'Two things fill the mind with ever new and increasing admiration and awe, the oftener and the more steadily we reflect on them; the starry heavens above and the moral law within.' Cf. also Hirsch's *Commentary* on Ps. xix and his celebrated oration on the centenary of the birth of Kant's disciple, the poet F. W. Schiller, *Coll. Writings*, Vol. VI, pp. 399ff.

² See *Nineteen Letters*, letter 5, footnote ¹, German edit., p. 26. Unfortunately this very important footnote has been left out in Drachman's Eng. edit. for reasons unknown to me.

³ See Hirsch's *Commentary on the Torah*, Gen. ii, 16.

⁴ See Maimonides, *Hilchoth Melachim*, chap. 8: 11. On this question see also the famous exchange of letters between Moses Mendelssohn and R. Jacob Emden. This exchange of letters is reprinted and commented upon in the work *פנה חבלי* (Amsterdam, 5632/1871), pp. 227ff., by another Moses Mendelson, of Hamburg, a prolific Hebrew writer and poet, who was S. R. Hirsch's uncle.

to your fellow-man—*מה דעלך סגי לחברך לא מעבד*,¹ a rule which is in principle identical with the categorical imperative of Kant, which says: 'Act only on that maxim whereby thou canst at the same time will that it should become a universal law,' or, as Kant also formulated it: 'Act as if the maxim of thy action were to become by thy will a Universal Law of Nature.'² But the internal voice of justice and morality in man is only a general demand to be just. To know what justice requires in regard to every creature, you would have to know yourself and the creatures about you as well as God knows you and them. If, moreover, your freedom, instead of leading you to justice, unleashes your selfishness, if you do not listen to the voice of truth and right within you, and, instead of considering it as a Divine reminder, pass off as an irksome obstacle to corruption and vanity whatever of this voice may penetrate to your consciousness—then you will rush towards depravity and spiritual suicide.

Thank God, therefore, that just as He has prescribed the course of the stars and the growth of the grass, just as He has implanted the word of His justice in the minds of all His creatures, He has announced His justice to the world so that you may freely submit to Him in consequence of His command to you, of His interpretation of all other creatures' claims on you, and so that you may be just.³ Moral autonomy and the voice of the conscience in us might be able to inform us of our duties towards our fellow-man, based on the principles of general humanism. But our duties towards the other creatures of the universe, such as soil, plants and animals, including our duties towards our own body and soul, we cannot know from our inner selves. These duties only the Divine law can tell us. In other words, the moral law within us belongs to natural religion. The Revelation at Sinai, however, is something additional to natural religion and the moral conscience in the individual man.

Judaism demands of every human being the recognition of God; that recognition is involved in the Seven Noachide Laws; for it is only the recognition of God which makes man into a human being. Like Moses Mendelssohn, Hirsch urged that, while natural religion made one into a man, only the Law turned a man into a Jew. Humanism is not enough for Judaism. A recognition of God in the sense of some kind of

¹ On the deeper meaning of this maxim see Hirsch's *Commentary on Levit. xix, 18*, and *Horeb*, para. 586. In both passages Hirsch warns us against the shallow utilitarian conception of Hillel's maxim, which drags it down from the level of a moral imperative to a rule of calculating cleverness (*Krämerweisheit*); and he explains why Hillel's rule, which is only an abstract and formal principle of ethics, must be supplemented by the study of the full Torah *in concreto* (אורח חיים).

² See *Fundamental Principles of the Metaphysic of Ethics*, translated by Thos. K. Abbot, 10th edit. (1955), p. 46.

³ See *Horeb*, para. 325.

natural religion does not require the Torah; Nature itself teaches man the existence of God. With the Torah, Judaism introduced into mankind something additional and special. In order to find God, *אין אומר*, *ואין דברים*, one does not need the words of Revelation.¹ The sky preaches His majesty. However, our destiny and our task as Jews we shall never know from the manifestations of Nature. To know how to regulate our inward and outward life as Jews according to the will of God, only the Torah can teach us.

Thus justice is the sum total of your life, as it is the sole concept which the Torah serves to interpret.

Mishpatim are justice in deed and word towards men. *Chukim* are justice towards the beings subordinate to you—plants, animals and the earth—as well as your own body, mind and spirit and their forces. *Mitzvot* are justice towards God, Who not only demands that you respect His world and that you do not injure the creatures about you, but Who has also created you for love and that you may become a blessing for the world. *Edoth* are justice towards God, yourself, Israel, and mankind. *Torot* are justice on the part of your thoughts towards reality, and of your feelings towards your destiny, truth and virtue. *Avodah* is the training of yourself in this justice. Just as the sailor in the midst of a storm lifts his gaze to the North Star, and, guided by it, steers his ship safely, so the Jew, gazing firmly in the midst of the storm of desires and vanity at the will of God expressed in the Torah, determines his ordained course in thought and feeling, word and deed, and thus navigates safely through storm and high seas. What Geiger, in a terrible moment of spiritual blindness, called ‘dog-like obedience’ is in reality the ardent desire of the Jew to understand and obey God’s declared will and to make God’s will his own. This solemn and joyous resolve to do God’s will as if it was our own leads to the *שמחה של מצוה*, ‘the joy of the *mitzvah*,’² which seems to have completely escaped Geiger and his friends of Reform, as indeed it has escaped Christian theologians since Paul’s attack on the *halachah*.³

The Torah is not in conflict with human nature. On the contrary, it meets the innermost urges and longings of man. ‘It is not in heaven . . . and not beyond the seas . . . it is in your heart and your mouth to do it.’ There is no happier feeling for the Jew than the knowledge of a life led in the service of God. This *Avodah* is a submission, it is true, but an active and creative submission under the will of God; it is an entry not into slavery but into a participation in and co-operation with God’s

¹ See Ps. xix, and Hirsch’s *Commentary* thereon.

² See *Commentary* on Levit. xxvi, 13, Gen. xxii, 1; *Collected Writings*, Vol. III, pp. 463ff.

³ Only in our generation have the celebrated writings of Travers Herford and James Parkes begun to cause a change in the attitude of some Christian theologians and, so it seems, even of some Jewish Reformers to the *halachah*.

purpose on earth. From this joy of serving God, from the 'simchah shel mitzvah,' arises the Song in the Temple and the Song of Learning in the Beth HaMidrash.

'The life of the Jew is a holy epos from the cradle to the grave' (*Collected Writings*, Vol. III, p. 479). The service of God frees the Jew from the only service and bondage which could break him: the bondage of man. The prayer ויהי נועם (Ps. xc, 17) is a request by the Jew that we should not be servants to anyone except God. Just because of the service of God we must demand freedom for man. Only he who humbles himself before God can hold up his head before man.¹ While God imposes His laws on Nature, He has given the Torah to man whereby he might fulfil his duties of his own free will.²

INTELLECT AND FEELING

It is characteristic that Hirsch is considered in some Jewish circles as a cold rationalist, and in others as an irrational mystic. In reality, Hirsch took account of intellect as well as feeling, reason as well as emotion, in his outlook on Judaism, and he was acutely aware of the depth of Jewish mysticism. Hirsch, the tireless expounder of the *halachah* and its underlying ideas, was also a great lover of the Psalms. His *Commentary on the Psalms* is one of the greatest Jewish works of the last century; it is also significant that in his preparation for the *Horeb* he drew extensively on the Zohar.

As far as the human intellect or reason is concerned, no one was more emphatic than Hirsch in stressing that the Torah requires its fullest use. Thus he pointed out that the first request in the Amidah is for knowledge and understanding; and the Psalmist (cxix, 18) entreats God: 'Open my eyes so that I see spiritual wonders from Thy Torah.' The *mitzvot* should stimulate our minds and we should use our intellect to discover their meaning. Although Hirsch maintains—in his Foreword to the *Horeb*—that a man who in his simple faith performs the *mitzvot* without being able to enter into philosophical thought upon them is just as much a servant of God as the greatest Jewish philosopher, yet he does not go so far as Ychudah Halevy in his *Kusari*, who puts the perfect believer on a higher plane than the searching thinker.³

¹ See also Hirsch on Ps. xc, 17, and Levit. xxv, 55, Exod. xxi, 6; and Yehudah Halevy's *Kusari*, V, 25.

² See *Nineteen Letters*, beginning of letter 4, *Horeb*, paras. 22 and 454; see also Hirsch on Num. xviii, 4, and *Horeb*, para. 327.

³ See *Kusari*, II, 26, and V, 1; cf. also *Moreh Nevuchim*, 351, and *Hoboth Ha-Lebaboth*, Introduction and chap. 1, 3, where it is pointed out, in contrast to Yehudah Halevy's view, that the thinker who speculates on Divine truths stands higher than the simple believer; cf. also *Kusari*, edit. Kassel, p. 370, footnote.

In the *Nineteen Letters*, Hirsch asks his young friend to use his intellect to 'build Judaism out of itself.' He considered it a great advantage that the age in which he lived wanted to think. Thus Hirsch dedicated the *Horeb* to 'Israel's thinking young men and women.'¹ Hirsch often emphasized that the use of reason need not lead to the rejection of religion. On the contrary, the intellect can be a loyal supporter of religion. 'Since I have begun to labour by word of mouth, by my writings and practical work for Judaism, my only endeavour has been to demonstrate the mutual association between Judaism—by which I mean the full and unabridged Judaism—and true science and culture; I intended to show that this full and authentic Judaism—תורת ה' תמימה—does not belong to an antiquated past but to the living, pulsating present; nay, that the whole future, with all its intellectual and social problems whose solution mankind expects of it, belongs to Judaism, the full and unabridged Judaism' (*Jeschurun* [1861], p. 356).

With the same emphasis, however, Hirsch stated that it is not knowledge in itself which is the highest aim of Jewish life but the practical observance of our laws. Human intellect has its limits, and there is no such thing as 'sovereign reason'; hence our loyalty to the laws of God, which means our observance of them, must not be made dependent on our being able to understand their ultimate motive and purpose. We should meditate on the *mitzvot*, but our acceptance of their Divine origin must precede our search into the motives of the laws and their underlying ideas; otherwise we should make ourselves the arbiters and judges of the reasonableness of God's laws. Such an attitude would be 'arrogant and destructive.' From the days of Sinai the Jewish attitude to God's laws has been נעשה ונשמע, 'We will do them and then understand them.'² That phrase conveys the thought that the very observance of the *mitzvot* helps us to understand their deeper meaning. This is also implied in the verse of the Torah 'that ye may remember and do all My laws and be holy unto your God.' This point was stressed by Hirsch in his Foreword to the *Horeb* and particularly in his *Commentary* on Psalm cxix, that most beautiful hymn of the law in our sacred literature which Hirsch called the 'Diary of a Jewish Man.' Hirsch's *Commentary* on that Psalm contains his philosophy of Jewish law and his conception of what rôle the intellect has to play in Jewish life and thought. The classical Jewish attitude to the law Hirsch finds expressed in the verse of Psalm cxix which reads: טוב טעם ודעת למדני כי במצותיך האמנתי: 'Teach me good judgment and knowledge, for I have believed Thy

¹ In this respect he took a similar line to Schleiermacher's *Reden über die Religion an die Gebildeten unter ihren Verächtern*. See also Hirsch's letter to Z. H. May, reprinted on pages cxli–cxlv of this Introduction.

² See Exod. xxiv, 7; *Yalkut* on Ps. ciii, B. Talmud, *Shabbath*, 88; and Hirsch's *Commentary* on Exod. xxiv, 7, xxi, 2, and xxxiv, 27.

commandments.' That means that belief in the Divine origin of the laws must precede the search into their inner meaning. Anyone who does not heed this advice and comes to disobey the laws of the Torah has, in reality, not been brought to disobedience because of his research but had already dropped his faith in the Divine origin of the laws before he started to meditate on them. That is why the Psalmist accompanies his plea to God 'to grant him deeper insight into the underlying spirit of the laws' (טוב טעם ודעת למדני) with the affirmation that his conviction of the Divine origin of the laws is not the outcome but the basis of his research (כי במצותיך האמנתי). Just because the laws of the Torah are to the faithful Jew the laws of God, he strives, in reverence and awe, to trace in their underlying ideas the thoughts of the Divine Lawgiver, even as the devout Jewish scientist or historian tries to discern in the events and miracles of Nature and history a revelation of God's wisdom and omnipotence. A similar thought Hirsch saw expressed in the verses: 'O that my ways were directed to keep Thy statutes. Then I shall not be ashamed to search into Thy commandments' (Ps. cxix, 5-6). Hirsch's general attitude to human reason can thus be summed up in the words *sapere aude*: 'have the courage to use your intellect'—but know its limits.

As far as human feeling is concerned, which is so much stressed in the works of his contemporary S. D. Luzzatto,¹ Hirsch himself in no way neglected its rôle in Jewish life and in the inner structure of the individual Jew. The Torah, he insisted, appeals to both our intellect *and* our feeling.²

However, just as the human intellect should be used for the exposition of the *mitzvot* and for penetration into their meaning, but not as arbiter of their acceptance or rejection, so with feeling. It must not go beyond its limits. Thus Hirsch strongly dissented from the well-known definition of religion, offered by the contemporary Protestant theologian F. Schleiermacher (1768-1834), as 'the feeling of utter dependence on God'—a definition which disposed Schleiermacher to reject all legal elements in religion.³ Just as Hirsch had successfully defended traditional Jewish law against the encroachment of an extreme individualism which sought its philosophical justification in the wrongly conceived moral autonomy of Kant, so had he to guard Judaism against the danger coming from another quarter: the romantic philosophy of Schleiermacher, who considered feeling and emotion as the basis of

¹ Luzzatto went even further than Hirsch by rejecting rationalism entirely, and by stressing the fact that in Judaism religious feeling is much more important than the intellect; whereas Hirsch was very insistent on not depriving rationalism of its legitimate position in Judaism.

² There are many similar passages throughout the works of Hirsch; see on this point also Wohlgenuth's 'S. R. Hirsch als Erzieher,' in the Centenary Memorial Vol. for Hirsch.

³ See Hirsch's *Collected Writings*, Vol. VI, pp. 13ff.; see also Schleiermacher's *Reden über die Religion*, 1st edit., p. 68, and his *Schriften*, Vol. IV, p. 236.

religion. True to the never-changing attitude of 'modern Judaism'—impatience of any authority from within and attachment to everything from without—the Reformers of Hirsch's day accepted Schleiermacher's definition of religion, and thus came under the influence of the idea of the central rôle of feeling in religious life, as contrasted to its legal elements.

In his famous *Reden über die Religion*, and even more so in his *Der christliche Glaube*, etc., Schleiermacher tried to save religion from the powerful onslaught of reason and enlightenment in his day. In doing so he looked for a realm where critical reason, which asks for objective proof and demonstrable reality, has no existence, and he thought he had found that sphere of escape in religious feeling and intuition. The fundamental principle of his religious philosophy is that religious feeling, the sense of absolute dependence on God (*schlechthinniges Abhängigkeitsgefühl*), and not the authority of Scripture or rationalistic understanding, provides the source of dogmatic theology. Originally a disciple of Kant, Schleiermacher could not find satisfaction for the yearning of his soul in the critical philosophy of his master. From the Romantic school he had imbibed a mystical view of the inner depths of the human personality; and, as reason had proved a failure, he looked for emotion and intuition as the sources of truth. While in Schleiermacher's view we cannot attain the idea of supreme unity of thought and being by either cognition or volition, we can find it in our immediate consciousness of our own personality, which for Schleiermacher was identical with feeling.

The German Jewish Reformers immediately grasped at this idea, which seemed to them to support their antagonistic attitude towards the objective claims of Jewish law. Hirsch sensed the great danger of Schleiermacher's school of thought for traditional Judaism, which is a religion of law and life, laying stress on the human intellect, and not a mystery religion of half-hidden feelings and unstable emotions. Following his constant aim to deliver historic Judaism from a relation of dependence on perpetually changing systems of philosophy, Hirsch wrote a powerful essay against the attempt by the Reformers to take over yet another school of thought from outside and graft it on to the tree of traditional Judaism. Hirsch's classical essay on 'Belief and Knowledge' (*Glauben und Wissen*)¹ is a powerful refutation of Schleiermacher's philosophy of religion. While feeling must play a rôle in any religious life, Hirsch points out that Judaism can never be based on the subjectivism of individual feeling or the dark recesses of the human soul. Even in other religions outside Judaism, such a course would be fraught with danger, for it replaces the objective reality of God by a subjective inward and uncertain feeling of man. Instead of recognizing God as the

¹ See *Collected Writings*, Vol. VI, pp. 13ff.

Creator of man, this 'inward religion' of intuition must end up by making man the creator of God. If such a trend of thought is dangerous for general religions, which, after all, place the main importance on the inward life of the soul, to the detriment of outward action for the improvement of the world, it is doubly dangerous for and completely at variance with Judaism, whose chief pillars are clear understanding and strong volition. The Torah is not based on nebulous feelings and emotions, but on historical facts supported by the experience and the perception of the senses of a whole nation. The Exodus from Egypt and the Revelation at Sinai are to us realities like heaven and earth. Never in the whole of Scripture is man's walking with God and his leading a godly life demanded in the name of a faith based on feeling (*Gefühls-glaubigkeit*), but on the basis of clear thought and concrete facts:

'For ask now of the days past, which were before thee, since the day that God created man, upon the earth, and from the one end of heaven unto the other, whether there hath been any such thing as this great thing is, or hath been heard like it? Did ever a people hear the voice of God speaking out of the midst of the fire, as thou hast heard, and live? Unto thee it was shown that thou mightest know that the Lord, He is God; there is none else beside Him. Out of heaven He made thee to hear His voice, that He might instruct thee; and upon earth He made thee to see His great fire; and thou didst hear His words out of the midst of the fire,'¹

or, as Isaiah expressed it:

'I have not spoken in secret, in a place of the land of darkness; I said not unto the seed of Jacob: "Seek ye Me in vain"; I the Lord speak righteousness, I declare things that are right.'²

In revealing Himself to Israel at Sinai in broad daylight, God did not appeal to the mystical darkness of the recesses of the human mind, but to man's senses, his clear intellect and purposeful volition. Nowhere in his writings has Hirsch given a warning with such emphasis as he has in his essay on 'Belief and Knowledge' against that fallacious doctrine of a double-thinking and divided truth which declares science as the realm of human reason and religion as that of mere feeling. 'Instead of inviting the undivided human mind to the Sanctuary of the one indivisible truth, the apostles of a mystery religion of feeling and intuition want us to erect two separate altars to the allegedly hostile powers of belief and knowledge, and thus condemn man to an eternal dichotomy of existence.'³ Judaism, however, will never forgo the services of human reason but use them to implant its truths into mind and heart alike.

¹ See Deut. iv, 32-33, 35-37.

² Isa. xlv, 19.

³ See *Collected Writings*, Vol. VI, p. 15. Schleiermacher's religious philosophy has had a deplorable influence in another direction. By stressing the personal and devotional aspects of religion at the expense of its social and legal elements Schleiermacher has contributed towards a tendency in European religious and social history to create an artificial

Hirsch thus inveighs against the *Halbdunkel*—i.e., the semi-darkness of feeling, and stresses the necessity to have our feeling checked by our intellect and above all by the *halachah*. This check is well illustrated in connection with the mourner, who is prevented by the laws relating to mourning from letting his emotions overcome him: 'Judaism shows man the clarity and brightness of a free mind in his own breast . . . night and semi-darkness are not the stage of Jewish life, but the bright and clear day.'¹ It is not blurred and indistinct feelings and emotions which are the best guides in the path of Judaism, but man's clear intellect under the law. וְאִרְאָה צְדִיקִים כְּאוֹר נֹגַח הַדּוֹלֵךְ וְאוֹר עַד נֹכַח הַיּוֹם: 'But the path of the righteous is as the light of dawn that shineth more and more unto the perfect day' (Prov. iv, 18), was a favourite quotation of Hirsch's. Feeling can easily overshadow both intellect and action. Judaism turns to the mind, the discerning intellect, in order to guide the heart. Our *mitzvoth* help the Jew to overcome passion and lead him to inner harmony and circumspection in all the circumstances of his daily existence.² It is just because Judaism rules every manifestation of life that the essence of Judaism does not lie in moments of religious ecstasy but in the joyful acceptance of the guidance of the Divine laws in everyday life (קְבִלַת עוֹל מִצְוֹת). Judaism, while also containing the elements of personal religion, is therefore not a mere 'religion' in the ordinary meaning of the word, but a revealed legislation. Those who call Judaism a mere 'religion' destroy its inner meaning.³

THE TORAH AND HUMANISM—A JEWISH THEORY OF KNOWLEDGE

The confusion among 'enlightened' youth in Hirsch's generation was greater and more dangerous than in the days of Maimonides. In Maimonides' time it was mainly a question of harmonizing the philosophy of Aristotle, which then held general sway, with that of the Torah. The intelligentsia of Maimonides' day, though given over to general philosophical studies, nevertheless recognized and accepted the Divine origin of the Torah as an axiom. But they also accepted as an axiom the philosophy of Aristotle. In Hirsch's day, however, the philosophy of individualism demanded that everything be justified before the bar of human intellect as well as the autonomous moral conscience of

contrast between the so-called religious and secular elements in life. See further on this question R. H. Tawney, *Religion and the Rise of Capitalism* (Pelican Books, 1938), and the present writer's 'The Sacred and the Secular in Modern Life' (London, 1951), and pages cxxxii ff. of this Introduction.

¹ See *Collected Writings*, Vol. III, p. 293.

² See Hirsch on Ps. cxix, 98.

³ See *Collected Writings*, Vol. I, pp. 83 ff., 475 ff., and Vol. VI, pp. 99 ff.

the individual before it was accepted. The belief in the Divine origin of the Torah, especially the binding force of its *mitzvot*, was no longer prevalent. While on the one hand the older and still observant generation during the period of Emancipation were against any secular study, the younger and unobservant Jews, especially the intelligentsia, wanted to be 'pure humanists' without the fetters which religion was felt to put on thought and action. They relied entirely on Lessing's motto: 'I wish I had found in you a person for whom it is enough to be a man' (*Nathan der Weise*, II, 5).

Hirsch's philosophy of life was that of a religious humanism. He denied the alleged contrast between Judaism and Humanism. Neither the Written nor the Oral Law forbids us to enjoy this world or the beauty of its nature or to take part in what amounts to real progress of the human mind.¹

Hirsch was thus '*lebensbejahend und wissenbejahend*'—i.e., he had a strongly positive attitude to life and knowledge. The 'inner revelation' in us affirms man's trust in his natural gifts and his intellect as long as it does not overstep its legitimate limits. In his *Commentary* on Genesis (ii, 19), on the passage 'Then God drove all the animals of the field and all the birds of the air of the world together, and brought them to Man so that he would see what to call them for himself, and everything which Man as a living person names for himself, that is its name,' Hirsch remarks:

'Man gives things "names"; not as God does Who sees things objectively as they truly are, but subjectively, from his own point of view as a **נפש**, an individual, who receives acceptable or unacceptable impressions of the things about him. It is according to the impressions they make on him that he gives things names. In these "names" he expresses the impressions which form his conceptions of things, and thereby he indicates their "**שם**" (hence the word **שם**), i.e., their place in his world, and ranks them in their appropriate kind, species, etc. All our knowledge of things, especially our forming of conceptions, is expressed in such name-giving. But this knowledge is only subjective, is only, in the phrase of the Torah, **אשר יקרא לו האדם נפש חיה**, how a man calls things for himself, what they are to him as a **נפש חיה**, a living and perceiving mind, in accordance with the impressions he receives from them. What things *really* are, the true nature of things in themselves, no human eye sees. But although the possible extent of human knowledge is thus recognized as limited, nevertheless scepticism is opposed by the assurance which the addition of "**הוא שמו**" gives; even if that which we know from the impression things make on us is not the *whole* truth of their real nature, still it does contain truth. God, Who created man and things, and led His created creatures to man for him to give them "names"—i.e., to form conceptions according to the impression they made on him—also guarantees man that the amount of knowledge of the nature of things which is granted to him is no deception;

¹ See Hirsch's *Commentary* on Ps. cxix, 99.

The Torah and Humanism—A Jewish Theory of Knowledge

that this fraction of the truth is also true and is as much of the truth—i.e., of the real nature of things, as man requires in his association with them for the accomplishment of his mission on earth, and that he may safely have confidence in it. Thus belief in God, Who created men and things, forms an essential foundation also to our theoretical knowledge. Without this belief, theoretical scientific knowledge cannot escape hopeless scepticism and scientists have no guarantee that they are not deducing a dream from a dream and proving a dream by a dream.’¹

In these remarkable and most original comments, Hirsch has laid the foundation of a truly Jewish theory of knowledge which happens to coincide with Kant’s critical philosophy and with all truly scientific recognition of the limitation of human reason. By its very nature the human intellect can only recognize phenomena—i.e., things which are accessible to our senses in space and time. It cannot, however, penetrate into the inner essence of things which Kant calls noumena. And this fundamental recognition is the permanent guarantee against all unscientific and speculative philosophy or theology in a positive or negative sense.

This is the Jewish attitude towards any sound theory of knowledge. As far as moral philosophy is concerned, the Jewish traditional position as presented by Hirsch is this: while we can and should rely on our moral conscience as an ‘inner revelation,’ we must, however, never undertake to deny our obligations towards the Divine will as manifested in the ‘outer revelation’—that is, the Revelation at Sinai. The human will is autonomous only in so far as it does not contravene the Divine will; and the real autonomy of the human will is the free acceptance of the Divine will.

There is, therefore, no contradiction between Judaism and humanism, that is, between the two sources from which our duties flow. Judaism is humanism on a higher plane, ennobled by the Torah. Judaism and humanism need one another and supplement one another. Thus, the key term of Hirsch’s philosophy of Judaism and Jewish law arose: ‘*Mensch-Jissroel*’—i.e., Israel-man (*homo Israelis*), which is Hirsch’s typical contribution to Jewish thought.

Mendelssohn, too, had recognized that Torah and humanism are not contrasts; however, these two spheres for him remained two separate entities and he did not work out the common link and inner relationship between them.² Mendelssohn had devoted the creative forces of his mind to speculative philosophy and metaphysics and not to finding the underlying ideas of the Jewish laws. Unlike Hirsch, he had not developed his world-view ‘out of Judaism.’ As Hirsch succinctly put it

¹ See S. R. Hirsch, *Commentary on Genesis*, Engl. trans. by Isaac Levy (London, 1959), p. 66.

² See Hirsch’s criticism of Mendelssohn’s philosophy in his *Nineteen Letters*, letter 18; see also Heinemann *op. cit.* Vol. II, p. 102.

in his *Nineteen Letters*: 'His [*i.e.*, Mendelssohn's] *Jerusalem*, which defends, on Jewish grounds, liberty of thought and faith, emphasizes also, in contradistinction to the *Moreh*, the practical essence of Judaism and gives utterance to an opinion concerning the *edoth* which, had it been carried out and intellectually comprehended by his successors, might have revolutionized the subsequent period. But neither the one thing nor the other took place. He did not develop further the science of Judaism, and his successors, lacking the religious sentiment of the Master, did not rest content under the idea of the eternally binding power of Divine Revelation.'¹

The sad consequences of Mendelssohn's failure to connect his metaphysical world-view with the laws of the Torah are well known. His successors abandoned Jewish law, as they considered the general metaphysical conceptions common to all great religions—namely, God, freedom of will, the universal moral law and the immortality of the soul, as all that mattered. Consequently many of them could not withstand the lure of Christianity, especially as it promised outward advantages and an entrance into European society.

Hirsch, in contrast to Mendelssohn, derived his world-view from a detailed study of Jewish laws and their underlying ideas. At the same time, however, he stressed that the Torah does not want man's faculties to be made moribund or neglected, but rather to be used within the law laid down by God, Who has endowed man with these very faculties. Holiness, *קדושה*, is the product of the completest mastery by the God-like free-willed human being over all his forces and the natural inclinations associated with them. All man's forces are thus to be placed at the disposal of God's will. The Torah, the Revelation of the Divine will, gives man's faculties a positive aim and a negative limit. Commenting on the verse: 'And God created man in His image,'² Hirsch points out:

'This sentence, repeated again and again, tells us that the mortal frame of man is one which is worthy of God and commensurate with the godly calling of man; it shows what definite value the Torah lays on recognition of the god-like dignity of the human body. The whole Torah and the whole morality of human beings rests on the fact that the human body, with all its urges, forces and organs, was formed commensurately with the godly calling of man, and is to be kept holy and dedicated exclusively to that godly calling. Nothing digs the grave of the moral calling of man more effectively than the erroneous conception which cleaves asunder the nature of man and—conceding god-like dignity to the spirit only—directs the spirit to elevate itself to the heights, and in mind and thought to soar upwards to a higher sphere, but leaves the body to unbridled licence, animal-like, nay, lower than animal, to indulge in all the smut of sensuality.'

¹ *Nineteen Letters*, Drachman's English edit., p. 189.

² Gen. i, 27; see also Gen. v, 1 and 3.

The Torah and Humanism—A Jewish Theory of Knowledge

Commenting on another passage in Gen. ii, 25, Hirsch coined the thoughtful phrase: 'the pure human body, the moral life of the senses, are no whit less holy than the soul, the spiritual life.'¹

As the Torah was given to develop our human gifts and faculties, it is unthinkable that it should not be in agreement with those products of human civilization and culture which bring man nearer to God and a life under the moral law. The aim of the Torah is rather to proclaim the ideal of a religious humanism. From this follows a positive attitude by Judaism to life, joy and happiness, to the development of science, ethics and art among men. In his controversy with Zacharias Frankel on the occasion of the publication of the latter's work *דרכי המשנה*, Hirsch writes: 'If it were true that science excludes Judaism we should have no alternative but to drop science; for it is better to have Judaism without science than science without Judaism. But, thank God, there is no need for this alternative.'²

From the striving after what is beautiful comes the joy and beauty of this world. To find satisfaction in the harmony of the universe lifts man above the lower striving for the merely utilitarian. The feeling for what is beautiful comes near to the feeling for what is good, although in the scale of values it ranks below it.³

Just as the Torah affirms our urge for freedom and other natural impulses and endeavours, so it encourages joy in life. The highest conception of joy in Judaism is the deep satisfaction found by man in obeying the commandments of God and being at one with His will. Serenity is the basic note in the symphony of Jewish existence. It leads to the harmony of life.⁴ The Torah does not forbid the gratification of any legitimate and natural desire; it destroys no natural impulse; on the contrary, it purifies and sanctifies even our lower natural instincts and desires by using them with wise limitation for the purposes designated by the Creator. Judaism not only permits the legitimate joys of life but declares such joys to be a duty, as sacred and as binding as any other

¹ The Torah is entirely a ספר תולדות אדם, 'a book of the developments of Adam,' a development, under God's guidance, of something to which He had already laid the foundations when He created man in His image. (See Hirsch's *Commentary* on Gen. v, 1, and xxvi, 5. See also *Coll. Writings*, Vol. I, pp. 96ff., *Judaism Eternal*, Vol. I, p. 101.)

² *Coll. Writings*, Vol. VI, pp. 393ff. On the attitude of Hirsch to science see also *Coll. Writings*, Vol. I, pp. 266ff., especially p. 277; *Judaism Eternal*, Vol. I, pp. 203ff., especially p. 208; and I. Grunfeld, *Three Generations*, p. 125. Further, *Commentary* on Gen. iii, 17-19, and Gen. viii, 21, where Hirsch presents the Jewish attitude to the conception of original sin.

³ *Coll. Writings*, Vol. I, p. 448, Vol. II, p. 28; see also Hirsch's commentary on the sentence יפה איך ליפת (Gen. ix, 27), and, following the same line of thought, his celebrated essay on 'Hellenism, Judaism and Rome,' reprinted in Eng. trans. in *Judaism Eternal*, Vol. II, pp. 187ff.

⁴ See Hirsch's essay 'Jewish Serenity,' republished in *Judaism Eternal*, Vol. II, pp. 145ff.; see also *Nineteen Letters*, letter 15, Drachman's Eng. edit., pp. 138-139.

human occupation, and condemns as sin any purposeless and unreasonable abstinence from permitted indulgences.¹ The highest and truest worship of God consists in being 'joyous before the Lord,' and our sole purpose in life is to solve its problems joyfully and with trust in God. In a remarkable essay headed 'Jewish Fast Day Thoughts' (*Collected Writings*, Vol. VI, pp. 42ff.), Hirsch wrote the following striking sentence: 'It is not because we laughed too much and cried too little in the days of our national happiness that the sad fate overtook our people but because, lacking trust in God and our destiny, we laughed too little and cried too much when there was no need to cry' (אתם בכיתם בכיה של חום).²

'The spirit of God does not rest upon man when he is sad and depressed, but when he is seized by the joy of the *mitzvah*,' is one of the profoundest sayings of our Sages. In the very beautiful prayer which the Chasidic Sage Rabbi Elimelech composed and advised his followers to say before the statutory prayers, he asked God not only for forgiveness of sins but also to save him from עצבות, 'sadness and depression.' Modern psychoanalytical literature has long recognized the great potentiality of religious joy to save man from morose depressions which often create havoc in his mind and vitality.³ The Jewish joy of life is, however, miles apart from that shallow eudemonism which sees in enjoyment of life its highest aim and which is called in Rabbinical parlance שמחה של הוללות. The aim of man in this world is not primarily 'to enjoy himself' (in the vulgar meaning of this phrase) but to fulfil the task assigned to him by God.

In the end, Torah and pure humanism must meet. For that end, Israel was elected and chosen. But although Israel was chosen as God's instrument in history, there are also outside Israel heralds of God's truth and instruments of His purpose, who show to man the Divine and the human elements in his heart. Thus modern humanism set up as an ideal by the Renaissance is, in Hirsch's view, a means to combine the religious and the human ideal by striving after the true, the good and the beautiful.⁴

Humanism, however, to be acceptable to the Jew, must be religious humanism based on man's conviction of God as the final reality; it must be, to use Hirsch's own words: '*Gott-ähnliche, Gott-nahe Humanität des Menschen*.'⁵ This religious humanism of Hirsch's is directed against

¹ B. Talmud, *Ta'anith*, 11 and 22.

² See also Deut. xxviii, 47.

³ See the essay by H. Enoch Kagan in *Judaism and Psychiatry* (New York, 1956).

⁴ *Coll. Writings*, Vol. VI, p. 316; see also Hirsch's *Commentary* on Ps. xlvii, the Psalm which is recited before the blowing of the shofar on Rosh Hashanah, the very Festival dedicated to the ideal of the brotherhood of man.

⁵ See Hirsch on Gen. v, 1. Cf. also Maimonides, *Hilchoth Melachim*, chap. 8: 11.

The Torah and Humanism—A Jewish Theory of Knowledge

both Reform and those in his own camp who were hostile to the education of the Jew in general subjects, the so-called 'secular' education. The exclusiveness of a ghetto philosophy was un-Jewish in Hirsch's eyes; for seclusion from the world, be it cultural or social, robs the Jew of the possibility of fulfilling his appointed task in the world to be a 'light to the nations'—that is to say, to testify by his own mode of existence to God and the spiritual values in life. That kind of piety which secludes man from the world is not the kind of piety which our Sages recommend.¹ On the other hand, Hirsch sharply criticizes those ignorant detractors of the *halachah* to whom Judaism appears as asceticism, sombre self-castigation, and a musty product of the ghetto, who maintain that Judaism considers innocent laughter here on earth as a sin, and enjoyment and innocent mundane pleasure as a crime. Judaism, being first and foremost law, the regulation of daily life, postulates an active, creative and enjoyable existence. Yet such a faith has been described by the enemies of the *halachah* as being opposed to the full enjoyment of life, as undermining happy and creative activity, and as seeking to produce a life of kill-joy austerity and cloistered contemplation. It is against such detractors of authentic Judaism that Hirsch wrote:

'Sorrow breaks, sadness unnerves, mourning consumes man; but cheerfulness of heart and joyful vivacity exalt, revive and strengthen man, and endow him with the inner strength victoriously to brave the most crushing blows of external violence. Consider, then, the ample reserves of serene *joie de vivre* which must be inherent in this Judaism—so misunderstood and slandered—if it has been able to harden its disciples against such blows of fate. Consider the magic force with which Judaism must be endowed, its ability to illuminate with a ray of sunshine the darkest corner of the poorest hut in which the persecuted Jew found refuge, its ability to enable him zestfully to enjoy, together with his wife and family, his bread earned in sorrow and anxiety. Look at the sombre, narrow ghetto dwellings which your grandparents inhabited; you know that they spent centuries there in serenity, contentment and happiness. Look at them and wonder at the unquenchable spring of refreshing vitality which Judaism must have possessed if it was able in such dark and sombre dwellings—and in times more dark and sombre still—to inspire *joie de vivre* and cheerful courage.'²

There is therefore no need to change the fundamental conceptions of life taught in the Torah or to reform its laws in order to live an active life anywhere and at all times in accordance with true enlightened humanism. What is necessary is not to reform the law, but to reform ourselves and our character in accordance with the religious and human

¹ See *Horeb*, paras. 97 and 112, and *Nineteen Letters*, letter 17. Cf. also *Coll. Writings*, Vol. I, pp. 472ff., Vol. II, pp. 454ff.; I. Grunfeld, *Three Generations*, pp. 115ff., and *Judaism Eternal*, Vol. I, pp. 203ff.

² See *Coll. Writings*, Vol. I, p. 473.

ideal of the Torah. This true reform of ourselves we can only achieve by listening to the two existing revelations: the natural revelation of the moral consciousness within us, and the supernatural revelation at Sinai, both of which will lead us to a 'God-rooted religious humanism' and its programme of *Torah im derech erez*.

Judaism and humanism thus do not exclude each other, but complement one another. Nevertheless, the first and foremost duty of the Jew is to observe the Torah as his own and immanent law of life, which corresponds to his typical personality structure (למינו) and trains his character for the purpose of fulfilling his particular task as the instrument of God. Life under Jewish law is therefore the most natural thing for the Jew. There is an immanent law in creation which tells every creature 'to be what it is.' The Midrash lays great stress on this natural law, which Jewish thinkers derive from the repeated use of the Hebrew word למינו, 'according to its kind,' in the Creation chapter. As far as the Jew is concerned, the whole Torah is nothing other than the 'למינו—law of Israel.'¹

Hirsch always laid great stress on the fact that the election of Israel as the chosen people does not mean either a separation from or a looking down on the rest of mankind. From its very inception universalism was inherent in Judaism. The Hebrew Bible opens with the story of man and not of the Jew. When Abraham was chosen by God, the mission entrusted to him and his children was at once epitomized in the words: 'Through thee all the families of the earth shall be blessed' (Gen. xii, 3). When God speaks of Israel as 'His first-born son' the underlying meaning is, as has been aptly explained by Hirsch, that 'through Israel the generating powers of humanity are opened; through Israel the march is started in which all nations shall step forth as His sons.'

In his *Commentary* on Gen. (xviii, 1) Hirsch draws attention to the highly characteristic feature that immediately after the law of circumcision, which seemingly sets apart Abraham and his descendants from the rest of mankind, there follows the narrative of Abraham's exemplary fulfilment of the humanitarian duty of הכנסת אורחים—i.e., hospitality to strangers. From this contiguity one may conclude that Israel's election, if truly understood, does not lead to particularism and separation, but, on the contrary, to brotherhood and universalism. This theme is pursued throughout our prophetic literature. Of the many examples of this universalism expressed in prophetic utterances, only two shall be quoted here. 'For My house shall be called a house of prayer for all peoples' (Isa. lvi, 7), and the famous saying of the Prophet Malachi: 'Have we not all one father? Hath not one God created us? Why do we deal treacherously every man against his brother?' (Mal. ii, 10).

¹ See Hirsch's *Commentary* on Gen. i, 11.

Almost every page of our prayer-book has a touch of this universalism, culminating in the great hope of the unification of mankind under the One God, Who is the Father of all, as expressed in the sublime Alenu prayer, which is recited every day. Our Sages have stated with great emphasis: 'whether Jew or Gentile, the Divine glory rests upon a man in accordance with his own deeds.' In fact, the attitude of Judaism to all other religious denominations and to all human searchings for knowledge in general is quite different from that of all other religions. Judaism is perhaps the only religion which does not say, *extra me nulla salus*, but gladly welcomes every advance in enlightenment and virtue wherever, and through whatever medium, it may be produced. The Jew is bidden to look forward to this continuous intellectual and moral improvement of mankind, and its ever wider diffusion, by his own literature which so prophetically illumines the course of history. The adherents of Judaism are taught to see a revelation of the Divine in the presence of a man who is distinguished for knowledge and wisdom, no matter to what nation or religion he belongs, and to greet the sight of him with a blessing to God 'Who hath bestowed of His wisdom on mortals.' Judaism is in reality a world-historic institution. The soil of its origin lies in the development of mankind, and the ultimate goal of all mankind is also its own goal. Indeed, it was Israel's idea of design and purpose in history which has made possible the very conception of a universal history.¹

The relationship between the Torah as a theonomy and the autonomous impulses in the heart of man is therefore clear. It is true that the Torah did not grow out of man, but was addressed to man from outside; but just as the belief in God and the Divine origin of the Torah does not contradict our intellectual faculties, but, on the contrary, is able to enrich and ennoble them, so is it with the *mitzvot* of the Torah. Their aim is to perfect and ennoble our humanitarian endeavours and to support that humanism towards which the choicest spirits of mankind are striving. From this it follows that it is our duty to understand and explain the underlying ideas of the laws of the Torah.

¹ Cf. *Coll. Writings*, Vol. I, pp. 278ff.; Vol. II, pp. 454ff. *Jeschurun*, Vol. V, p. 188; Vol. VI, p. 189. See also Hirsch's essay 'Von dem pädagogischen Werte des Judentums,' in *Nachlath Zvi*, Vol. VII.

THE DUTY OF EXPLAINING THE MITZVOH OF THE TORAH AND THEIR UNDERLYING IDEAS AND REASONS

טעמי המצוות

We have seen that the basis of the binding power of the commandments of the Torah is not our acknowledgment of their moral and human value nor our finding—with our limited human insight into the essence of things—reasons for these laws which would satisfy us, but rather the fact that God has commanded them. This, however, does not mean that we are not permitted to ponder over their inner meaning. On the contrary, as the injunction to meditate on the Torah day and night refers to both its legal and doctrinal parts, it is considered a meritorious act to meditate on the laws of the Torah and to 're-think' the Divine thoughts which are embedded in them; only we must not allow our inability to find the ultimate reasons of these laws to influence our obedience to them. For everyone whose mind is engaged in the sphere of what is called *טעמי המצוות*—i.e., the search for the underlying reasons of our laws, it is of fundamental importance to stress that adherence to our religious laws must never be made dependent on our finding reasons for them which are acceptable to us. For that would result in the finite human mind sitting in judgment over the laws of God, the Infinite Mind and Absolute Being; such an undertaking would contradict the age-old fundamental Sinaitic principle of *ונשמע ונשמע*, which tells us that observance of the Divine laws is the prerequisite for their theoretical understanding. Meditation on our religious laws means rather to search for their underlying ideas, their conception and rationale, in order to make them a spiritual force in our life.

The Torah itself often gives reasons for its laws, such as, for instance, for the celebration of Sabbath, Pesach and Sukkoth.¹ It is true that in the corpus of Jewish religious literature we find occasional voices raised against the search into the reasons and motives of our laws. For instance, in the *Tur*, chap. 181, we find the following sentence: 'We do not need to look for reasons for the Divine commandments; for they are commandments of the King which are binding on us even if we do not know the reason.' Such utterances, however, are merely a warning

¹ For other examples see: Exod. xx, 25, 26; xxi, 8, 21; xxii, 20; xxiii, 9; xxviii, 43; xxxiii, 9. Levit. ii, 13; vi, 10; ix, 43; x, 13, 14; xvii, 11, 14; xix, 2; xx, 24-26; xxi, 19, 23; xxii, 7; xxv, 42. Num. iv, 15; v, 3; vi, 5-9; xv, 39; xviii, 19. Deut. v, 14; xii, 23; xiv, 2; xv, 2. As the general aim and purpose of the Pentateuchal legislation we find throughout the Torah holiness—i.e., moral perfection (Levit. xix, 2, and in many other passages). Cf. also J. Wohlgemuth, *Das jüdische Religionsgesetz in jüdischer Beleuchtung* (Berlin, 1912), Vol. I, pp. 49ff.

against the danger inherent in the search for reasons for the laws, lest we make our obedience to them dependent on our finding a reason adequate to our intellect and personal predilections.¹

There are two passages in the Talmud² which deal with our problem of *טעמי המצוות* and which have sometimes been misinterpreted as prohibiting the search for the underlying motives of our laws and as advocating what is called 'blind obedience' to them. The first passage, which occurs in *Pesachim*, 119a, is, if rightly interpreted, an encouragement to those who wish to search for the underlying ideas of our laws. The Talmud promises reward to him, *המגלה דברים שכיסה עתיק יומין*, 'who uncovers [reveals] the things which the Almighty covered [concealed]'—namely, the *טעמי המצוות*, the reasons for the laws.³ This passage not only permits penetration into the 'concealed motives of the law' but considers such meditations as praiseworthy.

The second Talmudical passage⁴ asks *מפני מה לא נתגלו טעמי תורה*, 'why the reasons for [some] Biblical laws were not revealed by God' but were left to our own meditation. In reply, the Talmud gives the important answer that if God had Himself given the reasons for them it might have led to some men presumptuously arguing that those reasons did not apply to themselves and they were therefore exempt from obeying those laws. The Talmud cites the example of King Solomon in connection with certain laws of the Torah and how he was led astray. On the other hand, a reason for a law which is not given by God but is arrived at through human meditation must always remain a hypothesis and can never assume certainty in such a way as to influence practical obedience to the law or be used for the legal interpretation of the range of a given law.⁵ Our Sages therefore were never against a serious pondering over the motives of our laws. On the contrary, they themselves set an example in the many Aggadic and Midrashic views

¹ See on this point also Solomon ben Adreth's (*Rashba's*) letter addressed to the Rabbis of Provence. The MS. of this letter, which has been partly reprinted by A. L. Frumkin in his edition of the *Seder of Rav Amram* (Jerusalem, 5672, pp. 78ff.), is in the Bodleian Library, Oxford, No. 2221, Folio 55.

² Cf. *Pesachim*, 119a, and *Sanhedrin*, 21b; for the right interpretation of these passages, see *Maharshah*, *ad loc.*; and S. R. Hirsch, *Erste Mittheilungen*, pp. 60, 61.

³ *המגלה דברים שכיסה עתיק יומין* are here mentioned in contrast to *סתרי תורה*, the 'mysteries of the Torah' from whose 'uncovering' we are asked to abstain. See also S. R. Hirsch, *ibid.*

⁴ See *Sanhedrin*, 21b, and the explanation of *Maharshah*, *ad locum*; see also Hirsch, *Erste Mittheilungen*, p. 61.

⁵ The Talmudical controversy on *דורשין טעמא דקרא* does not refer to the question of whether we are permitted to search into the motives of the laws of the Torah, but to the question of whether those motives (*ratio legis*) may be used for the legal interpretation of the range of a given law (see *Sanhedrin*, 21a, and particularly *Baba Metzia*, 115a, together with S. R. Hirsch's *Commentary* on Deut. xxiv, 17).

which they give us on our laws and which are handed down in the Talmud; only they were very careful to discriminate between *halachah* and *aggadah*, that means, between the binding law itself and our meditation on it.¹

The search for the underlying motives of our laws has always occupied the minds of Israel's Sages. In the course of Jewish history three main schools of thought arose with regard to *טעמי המצוות*: the ethical school, the mystical school and the school of symbolism. In the Talmud and Midrash we find all three combined. The ethical school of thought laid stress mainly on the influence of the *mitzvot* on the human character and based itself on the words of the Torah, 'That ye may obey My commandments and be holy unto your God.' The mystical school was actuated by the conviction that the observance of the laws of God not only influences the human mind, the microcosm, but also the universe as a whole, the macrocosm, in that the faithful performance of the *mitzvot* by man helps to uphold the harmony of the universe. This interpretation of our laws is common to all Jewish mystics, including some of the outstanding exponents of Chasidism.² The symbolical school found in the *mitzvot* means for conveying Divine ideas, especially in that human actions have a greater influence on the human mind and character than mere words.

The aim of this search for the underlying ideas of our laws was often apologetical—that is, in order to give a reasonable reply to the detractors of our laws from outside; or educational—that is, in order to make the observance of the laws a spiritual force in the lives of those who observe them. Of questionable value, however, were the attempts of some Hellenist Jews in their allegorical interpretation of the laws,

¹ The Sages of the Talmud, whose main aim was to explain the Torah on the basis of the Oral Law, gave many explanations, ethical, allegorical and mystical, in connection with the underlying ideas of our laws. This is in keeping with their general attitude that the Torah has many facets. In this sense the Sages explain the verse in Jeremiah: 'Is not My word like as a fire? saith the Lord; and like a hammer that breaketh the rock in pieces?' (xxiii, 29): 'As the stone is split by the hammer into many splinters, so every word which came out of the mouth of God can be explained in many ways' (*Shabbath*, 88; *Sanhedrin*, 34). The methods which were employed by the Sages in explaining the text of the Torah are usually summed up by the abbreviation *פירוש*, which stands for *משפ*, i.e., the literal explanation; *רמז*, the explanation based on 'hints in the Torah'; *דרש*, i.e., the interpretation of laws based on oral tradition; and finally *סוד*, which stands for mystical explanation. The understood basis and *conditio sine qua non* of all explanations, however, is unconditional obedience to the laws of the Torah.

² See esp. *רעיא מהימנא*, the part of the Zohar which deals with the Kabbalistic interpretation of the commandments of the Torah; further, *שערי אורה*, by Joseph Gikatilla (1250-1300), *ספר האמונה והבטחון* (ascribed by some to Nachmanides, by others to Jacob ben Shesheth, a Kabbalist of the thirteenth century), *ספר החינוך*, by Aaron Halevy of Barcelona (thirteenth cent.), and *טעמי המצוות*, by Menachem Rekanati (thirteenth cent.). Cf. also *אמונה ודרך מצותיה*, by Menachem Mendel of Lubavitch (1789-1866); further, the works *צדק צדק* and *היום יום* by the late Rabbi of Lubavitch (Brooklyn, 1943).

The Duty of Explaining the Mitzvoth

because they often used allegory to replace actual observance, which, as we have pointed out before, is just the danger which meditation on the underlying ideas of our laws must avoid.¹

The Jewish philosophers of the Middle Ages, such as Yehudah Halevy, Ibn Ezra, Levy ben Gershon, Hasdai Crescas, Joseph Albo, Abarbanel, Aaron Halevy of Barcelona,² and Bachyah Ibn Pakuda, all held strong views in favour of the search for the underlying ideas of our laws and each developed his own particular method in that sphere. Before we deal with Hirsch's method of explaining those underlying ideas we shall deal with that of Maimonides, who is rightly considered the central pillar of *halachah* and Jewish legal philosophy. Maimonides, in both the *Yad HaChazakah*³ and the *Moreh Nevuchim*,⁴ stresses the fact that the *mitzvoth* have a deep meaning for our human understanding, for otherwise they would not have been given to man. Even the so-called *chukim*, such as the prohibition against wearing garments of wool and linen or boiling meat and milk together, for which we cannot see an apparent reason, are nevertheless of the greatest significance for the character and welfare of man. Our Sages, comments Maimonides, generally do not think that such precepts have no cause whatever or serve no purpose, for this would lead us to assume that God's actions are purposeless. On the contrary, they hold that even these ordinances have a cause and are certainly intended for a higher purpose, although it is not known to us 'owing either to the deficiency of our knowledge or the weakness of our intellect.'⁵

In a famous passage of his *Yad HaChazakah*, Maimonides writes, 'It behoves man to meditate on the laws of our Holy Torah and to know the deeper meaning as much as lies in his power; but a law for which one has been unable to find a reason or a motive one should nevertheless not treat lightly and one should not ascend the mountain of the Lord lest he cause a breach.'⁶ This sacred duty to meditate on the laws of God for their deeper reasons as far as our limited human intellect permits us includes even the *chukim*. And although they belong to the realm which the finite mind of man cannot fully fathom, Maimonides states: *וככל מה שאתה יכול לתן לו טעם תן לו טעם*, 'Whatever is possible for

¹ See Heinemann *op. cit.* Vol. I, chap. IV.

² See Heinemann *op. cit.* Vol. I, chap. V. On Aaron Halevy's method of explaining the laws in his *Sefer HaChinuch*, see I. Epstein in *Essays Presented to J. H. Hertz* (London, 1942), pp. 145ff.

³ See *Hilchoth Me'ilah*, chap. 8: 8; *Hilchoth Temurah*, chap. 4: 13; *Hilchoth Mikva'oth*, chap. 11: 12.

⁴ Part III, chaps. 26ff.

⁵ *Moreh Nevuchim*, *ibid.*

⁶ *Hilchoth Me'ilah*, chap. 8: 8.

you to do in order to find a reason for a *chok*, you should do.”¹ Maimonides refers in this connection to the statement of our Sages that King Solomon in his great wisdom understood most of the reasons for the *chukim* of the Torah; and although the ordinary Jew cannot compare himself with King Solomon, he should, nevertheless, try to find reasons even for the *chukim* in accordance with his capacity:

ירדה תורה לסוף מחשבת האדם וקצת יצרו הרע . . . ורוב דיני התורה אינן אלא עצות מרחוק מגדול העצה לתקן הדעות וליישר כל המעשים, וכן הוא אומר (משלי, כב, כ, כא) הלא כתבתי לך שלישים במועצות ודעת להודיעך קושט אמרי אמת; להשיב אמרים אמת לשולחך (רמ"בם, סוף הלכות תמורה).

‘The Torah always penetrates into the remote recesses of man’s thoughts, inclinations and urges . . . know, therefore, that most of the laws of the Torah are counsels of deep meaning given to us by the Great Counsellor in order to purify our thoughts and to rectify our deeds; as it is said (*Mishlé*, XXII, 20–21), “Have not I written to thee excellent things in counsels and knowledge, that I might make thee know the certainty of the words of truth; that thou mightest bring words of truth to them that send thee?”’² In this connection it is most revealing that Maimonides, who is usually taken as the archetype of rationalist, stresses the fact that the Torah gives preference to the *chukim*, and he adds the following typical passage: ‘King David was very grieved because of the heretics and the heathens who criticized these *chukim* [statutes]; and the more they troubled him with their derogatory criticisms, which were caused by the short-sightedness of their human understanding, the more King David clung to these laws of the Torah. As it is stated in the Psalms (cxix, 69): “The proud have forged a lie against me but I will keep Thy precepts with my whole heart”; and in the same connection it is said (Ps. cxix, 86): “All Thy commandments are based on faith, they persecute me wrongly; help Thou me”.’³

¹ See *Hilchoth Temurah*, chap. 9: 13. It is noteworthy that one of the disciples of the famous Chatam Sofer, Moshe Leib Leitch Rosenbaum, in his *Commentary on the Torah*, called *Lemmer* (Lemberg, 1879), considers it a special wrong not to devote our powers of reasoning to the *chukim* and refers, in support of his view, to the verse in Psalms, ‘Salvation is far from the wicked: for they search not into Thy *chukim*’ (Ps. cxix, 155).

² *Yad HaChazakah*, *Hilchoth Temurah*, chap. 4: 13. In these few lines, Maimonides sums up his philosophy of Jewish law. Of special interest in this context is his quotation of the verses *Mishlé*, XXII, 20–21, and the interpretation he puts on the two key words of these verses: (לתקן חרעות) and the latter as moral truth (ליישר המעשים). In the philosophy of the Torah theoretical and moral (practical) truth go together, and the *mitzvot* are the guides (שלישים) to both (the word שלישי means both guide and measuring rod). As has rightly been said, in the realm of the Torah there are no two ‘Critiques’ (of pure and practical reason) but only one. See also Hirsch’s *Commentary on Mishlé*, XXII, 20–21, *Jeschurun* (Neue Folge), Vol. I, p. 180, and his *Commentary on Ps. lx, 6* (especially with regard to the meaning of the words אמת and קושט).

³ See Maimonides, *Yad HaChazakah*, *Hilchoth Me’ilah*, chap. 8: 8.

While Maimonides stresses our duty to search for the deeper meaning of the laws of the Torah, he is of the opinion that we are not able to know the meaning of the details of the *mitzvoth*. 'Those who trouble themselves to find a cause for any of these detailed rules do not remove any difficulties, but rather increase them . . . each commandment has necessarily a cause, as far as its general character is concerned, and serves a certain object; but as regards its details we hold that it has no ulterior object.'¹

As far as Hirsch is concerned he put the explanation of the underlying ideas of our laws in the centre of his thought and literary work. The reason for this was not only his view that law and action, and not creed and belief, are the essence of Judaism, but the dire necessity arising from the era in which he lived, when the Reformers tried to propagate the wrong idea that there was no deeper meaning behind what they called the 'ceremonial laws.' While searching into the underlying ideas of Jewish laws, and so following the classical example of previous Jewish thinkers who busied themselves with what is usually called *טעמי המצוות*, Hirsch did not, however, use this term; he rather spoke of the 'spirit of our laws.'

In general, Hirsch is very emphatic on the necessity of meditating on those underlying ideas. In his *Nineteen Letters* he strongly censured those who neglected the exposition of the Jewish outlook and philosophy of life (*Weltanschauung*) to our young; and in that connection he also castigated the neglect of the study of *Chumash* and *Tenach* by those who limit Jewish education to the study of the Talmud (see letter 18, *Nineteen Letters*). 'Today two diametrically opposed parties confront each other. The one party has inherited uncomprehended Judaism as a mechanical habit, *מצות אנשים מלומדה*, without its spirit; they bear it in their hands as a sacred relic, a revered mummy, and fear to rouse its spirit. The others are partly filled with noble enthusiasm for the welfare of the Jews but look upon Judaism as a lifeless framework, as something which should be laid in the grave of a long since dead and buried past. They seek its spirit and find it not, and are in danger, with all their efforts to help the Jew, of severing the last life-line of Judaism—

¹ See *Moreh Nevuchim*, Part II, chap. 26. The sacrifices, for instance, Maimonides points out in the *Moreh*, have a great value in so far as they kept people away from idol-worship and from sacrificing to strange gods; and in his *Yad HaChazakah* he draws attention to the saying of our Sages that because of the sacrificial service the world exists; nevertheless, he holds that there is no deeper meaning, for instance, in the fact that just a sheep and not a bullock was commanded to be offered up. The same applies to other details of the sacrifices and of other laws. Hirsch, as we shall see later on, did not share this attitude of Maimonides with regard to the details of the laws. The Torah, he points out, lays enormous stress on these details. The infringement of some of them is even considered a capital offence by the Torah. The solemnity with which the Torah thus treats the details of Jewish law cannot be explained unless there is a deeper and more fundamental idea expressed in every one of these details, the exposition of which Hirsch made his special task.

ignorantly . . . There is one way to salvation; where the sin was committed the atonement must begin; and this one way is to forget the inherited prejudices and opinions concerning Judaism, to go back to the sources of Judaism, to Bible, Talmud, and Midrash, to read, study and comprehend them in order to live them, to draw from them the teachings of Judaism concerning God, the world, mankind and Israel, according to history and precept, to know Judaism out of itself, to learn from its own utterances its science of life.' (*Nineteen Letters*, English edition, pp. 186, 197.)

If we search deeply into the spirit of the *halachah*, we shall find that the underlying ideas of our laws are merely an elucidation and amplification of the general truths contained in the Bible. Although the spirit of Judaism, which is the spirit of the Almighty, hovers over all manifestations of authentic Jewish thought throughout our traditional literature, in *Tenach* as well as in the *aggadoth* of our Sages, it is especially manifest in the *halachah*, where it is, unfortunately, least recognized. In the *halachah*, Hirsch sees the most faithful, most typical, clearest and most essential manifestation of the spirit of Judaism. The *mitzvot* which to the uninitiated or the misguided seem 'empty rituals' are in reality full of spirit and can best bring us to a higher conception of life. Only such self-comprehending Judaism (*sich selbst begreifendes Judentum*) and its proper explanation to the young and thinking generation of our day can bring back the glory of the Torah.

Hirsch, in his exposition of the underlying spirit of our laws, used, like Maimonides, the ethical method. In addition, however, he evolved another method of explanation, which is his own historical contribution to the *טעמי המצוות*: that of symbolic explanation, with which we shall deal later on.

In the eighteenth letter of the *Nineteen Letters*, Hirsch rejected many of Maimonides' explanations of the *mitzvot* contained in the *Moreh Nevuchim*, which he considered to be a weak and impossible attempt to reconcile the philosophy of Aristotle with Judaism.¹ Hirsch preferred to explain the *mitzvot* organically, out of the system of Judaism itself, in accordance with his general aim of a 'self-comprehending Judaism.'

Hirsch also objects to certain pragmatistical and hygienic reasons advanced in the *Moreh* for the dietary laws and the burning of incense.² In addition, he drew attention to some of the apparent contradictions

¹ Hirsch's criticism of Maimonides' *Moreh Nevuchim* in no way detracted from his deep devotion to and great admiration for 'this great man, to whom and to whom alone we owe the preservation of practical Judaism to our time,' as Hirsch expressed it (see *Nineteen Letters*, Drachman's English translation, p. 181).

² Cf., for instance, in contrast to these reasons of the *Moreh*, the very deep mystical and philosophical explanations given for קטרת in the work תורת העולה by Rabbi Moses Isserles (רמ"א) and by Hirsch himself in the *Commentary on the Torah*.

The Duty of Explaining the Mitzvoth

between the *Yad* and the *Moreh*.¹ Whereas the reasons advanced in the *Moreh* for the sacrifices may give rise to the impression that they were only a concession to the time and not of permanent validity, in the *Yad* the true Jewish conception is clearly expressed by Maimonides in the following words, which are laden with deep feeling: 'The entire Temple Service, for instance, consists of *chukim*, and it is for the sake of the Temple Service, our Sages say, that the world exists. For it is through the observance of *chukim* and *mishpatim* that the righteous attain eternal life, and the Torah puts *chukim* before *mishpatim*, as it is written (Levit. xviii, 5): "Ye shall therefore keep My *chukim* and My *mishpatim*, which if a man do, he shall live by them".'²

There is another fundamental difference between the method of explaining the underlying ideas of our laws employed by Maimonides and that employed by Hirsch. Maimonides held, as we have pointed out before, that the details of the *mitzvoth* are of no use for finding the general ideas underlying them. That view was typical of the scholastic method in Maimonides' day, which speculated on ideas without investigating detailed phenomena. Hirsch, however, who had been trained in modern science and its improved methods of reasoning, employed the methodology of modern science—namely, a combination of the inductive and deductive methods. For him, the details of the *mitzvoth* were therefore the most important objects of his research.

But he made it abundantly clear in his *Horeb* that investigations into the underlying ideas of the Divine laws, be they undertaken from the moralist, symbolist or mystical point of view, remain mere human speculations. Our own speculation, however successful it may be, can never have the same value as the simple conviction that it is God Who in His infinite wisdom ordained these laws for us. Here, too, the

¹ In the opinion of the present writer these contradictions between the *Yad* and the *Moreh*, especially in the sphere of טעמי המצוות, could be resolved if we knew more about the inner history of the *Moreh* than we know at present. See also footnote ² on this page.

² It has aptly been said that 'even though our scholastics are the only ones who have organized Jewish thought into a system, it seems not to have been within their scope to give a full survey. They wanted mostly to solve perplexities arising from outward contacts. For a proper and complete view, one should dig into the halachic works of those very philosophers, as well as into those who were not regarded as such because they did not specialize in the subject. In the halachic works the genuine Jewish thought is not hidden under alien speculation' (N. H. Adlerblum in *Guardians of our Heritage*, edited by Leo Jung [New York, 1958], p. 144). Hirsch was very embittered at the misrepresentation of the views of Maimonides by the Reformers and shallow rationalists of his time, which indeed continues to our very day. In his polemical pamphlet *Religion Allied to Progress* (Frankfort, 1854, partly republished by the present writer in *Judaism Eternal*, Vol. II, p. 224), Hirsch protested against the one-sided use by the Reformers of the *Moreh* and the neglect of the *Yad*. After having shown Maimonides' real views on the *halachah* by quotations from the *Yad*, Hirsch concluded with the ringing sentence: 'There you have your Maimonides!' And he added: 'True that Maimonides' *Guide* was burnt. He would have been the first to consign his book to the flames had he lived to see the manner in which it has been—and still is—abused.'

sentence of the Psalmist applies: כל מצותיך אמונה, 'The rock foundation of all our laws is the conviction of their Divine origin' (Ps. cxix, 86).

LAW AND LANGUAGE

Before turning to a closer examination of Hirsch's use of symbolism—his typical contribution to the sphere of טעמי המצוות—it is worth noting that he was profoundly interested in the Hebrew language as the Divine medium of expression. In explaining Jewish laws, Hirsch made use of his philosophy of the Hebrew language, which has also been called 'speculative philology.' To Hirsch Hebrew was not only the language in which God created the world, that is, by the Divine word of יהי ('Let there be'). It was also the original language (*Ursprache*) of mankind.¹ Moreover, the holy tongue (לשון הקודש) is also the ideal linguistic instrument by which our text of the Torah, its open and hidden spiritual treasures and especially the true relationship of Oral and Written Law, could have been conveyed. Hirsch's philosophy of language in general, and of the Hebrew language in particular, is contained in a series of eight penetrating essays, which he published in his monthly magazine *Jeschurun* in 1862. The importance which he attached to this series of essays may be seen from the frequency with which he refers to them in the course of his *Commentary*, especially on Genesis. The title of this series of essays² is 'Versuch einer Entwicklung jüdischer Welt- und Lebensanschauung aus der hebräischen Sprache und Literatur des jüdischen Volkes' ('An attempt to derive a Jewish Outlook on World and Life from the Hebrew language and the literature of the Jewish people'). Hirsch's etymology of the Hebrew language, to which he briefly refers in the preface to his *Commentary on the Torah*, is based on the principle of the interrelationship of sounds ('*Laut-Verwandtschaft*'). This method was a great help to him in his exposition of the deeper meaning of Jewish laws. It is generally recognized that for the interpretation of any law the relationship of law and language is of fundamental importance. This is all the more true of the Divine laws of the Torah, expressed in the holy tongue. In his *Nineteen Letters* Hirsch wrote about the language of the Torah as follows:

'We must read the Torah in Hebrew—that is to say, in accordance with the spirit of that language. It describes but little, but through the rich significance of its verbal roots it paints in the word a picture of the thing. It only joins for us predicate to subject, and sentence to sentence; but it presupposes the listening soul so watchful and attentive that the deeper sense and profounder meaning, which lie not upon but below the surface, may be applied

¹ Cf. Hirsch's *Commentary* on Gen. xi, and *Rashi's* remark on Gen. ii, 23.

² These essays were posthumously reprinted in Hirsch's *Collected Writings*, Vol. V, pp. 134ff.

by the independent action of the mind itself. It is, as it were, a semi-symbolic writing. With wakeful eye and ear, and with soul roused to activity, we must read; nothing is told us of such superficial import that we need only, as it were, accept it with half-roused dreaminess; we must strive ourselves to create again the speaker's thoughts, to think them over, or the sense will escape us.¹

SYMBOLISM IN JEWISH LAW

The reader will have noticed that Hirsch calls the language of the Torah a 'semi-symbolic writing.' That leads us to his second method of explaining Jewish laws, that of symbolism; this method is especially concerned with that category of laws which are usually known as *edoth*, and which Hirsch considered as symbols because the Torah expressly declares them to be embodiments of thoughts; many of the laws belonging to the category of *edoth* are designated by the Torah itself by the word *אוֹת*, which is the Hebrew equivalent for 'sign' or 'symbol.' Such laws are those, for instance, relating to Sabbath, the festivals, sacrifices, tefillin, tzitzith, mezuzah, matzah on Pesach, those referring to purity and impurity, etc. The symbolic explanation of these laws is contained in the *Nineteen Letters* (section *Edoth*), the second section of Hirsch's *Horeb*, and in the respective passages of his *Commentary on the Torah*. Hirsch's fundamental theory of symbolism in Jewish law and thought is, however, presented in his 'A Basic Outline of Jewish Symbolism.' Originally published in Hirsch's monthly *Jeschurun*,² it was reprinted in the third volume of Hirsch's *Collected Writings* (Frankfort-on-Main, 1906) and covers 235 pages.³ In this Introduction, we can give only a short summary of this extensive work.

Before doing so it may be useful to take a brief glance at symbolism and the prevalence of symbols in human thought and life.⁴ A symbol

¹ *Nineteen Letters of Ben Uziel*, Drachman's translation, pp. 14 and 15.

² Vol. III (1856/1857) and Vol. IV (1857/1858).

³ The first part of Hirsch's 'Basic Outlines of Jewish Symbolism' has been republished in English translation in *Timeless Torah—An Anthology of the Writings of Samson Raphael Hirsch*, ed. J. Breuer (published by P. Feldheim, New York, 1957), pp. 303–420. Some of the quotations which follow are taken from that English translation.

⁴ The literature on symbolism in its manifold applications is vast. Only a few standard works need be mentioned here: Oehler, *Lehrbuch der Symbolik* (1876); F. Vischer, *Das Symbol* (1889); Ferrero, *Les lois psychologiques du symbolisme* (1895); H. Silberer, 'Über Symbolik,' *Jahrb. f. psychoanalyt. u. pathol. Forschungen*, III (1902); W. Pollack, *Perspektive u. Symbole in Philosophie und Rechtswissenschaft* (1912); M. Schlesinger, *Die Geschichte des Symbolbegriffs in der Philos.* (1912); C. A. Briggs, *Theological Symbolism* (1914); Ernst Cassirer, 'Der Begriff der symbolischen Form,' in *Aufbau der Geisteswissenschaften* (1922); Ogden & Richards, *The Meaning of Meaning* (1923); A. N. Whitehead, *Symbolism, Its Meaning and Effect* (1927); C. W. Morris, *Foundations of the Theory of Signs* (1938); T. F. Hoffer, *Medieval Number Symbolism* (1938); W. M. Burbank, *Language and Reality* (1939); J. Jacobi, *Schweizerische Zeitschrift für Psychol.*, IV (1945).

(from the Greek σύμβολον) is a deed or a phenomenon which represents, enshrines or stands in the place of some other object or idea. The former is said to be 'symbolic' of the latter. Symbolism is an integral and universal aid to the human mind. Indeed, we can hardly conceive of any epoch or phase of human life or thought, past or present, without it. 'Human life is so brief, so various, so complex, that it would grind to a standstill . . . without the shorthand invented by Adam's unique intelligence when he separated himself from the brutes: symbol and rite . . . Such symbolism varies from activity to activity, from land to land, from culture to culture, from age to age; but there is no activity, no land, no culture, no age, without its shorthand.'¹ Symbolism plays an important rôle in philosophy and mathematics, in aesthetics and logic (especially in the so-called symbolic logic), in literature and painting, and, above all, in religion. Between the number-symbolism of the Pythagoreans, the metaphysical symbolism of Plato, Aristotle and Plotinus, the philosophical symbolism of Kant, Hegel and Spengler, the literary symbolism of Goethe and Schlegel, the psychoanalytical symbolism of Freud, Jung, and the whole psychology of symbolization, which has recently attracted special attention, there is an unmistakable connecting link.

A symbol is a piece of reality which conveys to the physical and mental eye something which it is difficult to convey through the mere process of reasoning. Symbol is the term given to a visible object, or an action representing to the mind the idea or semblance of something which is not made manifest but is realized by association. Kant considered the symbolization of a concept its indirect relationship to a perception;² and Oswald Spengler went so far as to say that the unity of a culture rests on the common language of its symbolism.³

In no sphere is more extensive use made of symbolism than in that of religion and theology. In that sphere there are, on the whole, three kinds of symbolism: doctrinal, ethical and mystical. Doctrinal symbolism is concerned with the representation of doctrinal or theological truths by pictures, emblems and acrostics, although in theological language symbols sometimes connote a creed, and symbolics the history and contents of a creed. In ethical symbolism a symbol is a medium for training in moral discipline and a means of influencing the whole character of man. In the mystical symbol a hidden and inexpressible reality is, so to speak, made comprehensible. As the essential things of religion are unseen and eternal, an attempt is made to present them to our finite and imaginative apprehension by symbols of word, form or action.

¹ Herman Wouk, *This is My God* (Jonathan Cape, London, 1960), p. 39.

² *Kritik der Urteilskraft*, para. 59.

³ *Der Untergang des Abendlandes* (1917), p. 223.

Symbolics thus becomes the study of religious symbols, and symbology a system of symbols for practical purposes.

In the sphere of Judaism, what we have called 'doctrinal symbols' are used very rarely. The Torah abounds, however, in ethical symbols and symbolical actions, whereas the mystical symbols are mainly used by the Kabbalists. As Herman Wouk expressed himself: 'The symbol language of Judaism is alive now, as it was ages ago, still ruling the behaviour of millions of people. It is the hieroglyph of the master ideas of the Bible carved on daily life. A Jew can hardly live Judaism without his ancient sacred shorthand. . . . True symbol is not make-believe or mummery; it is reality distilled.'¹ To this, however, must be added that the symbol in Jewish law is not a man-made symbol but a device of the Divine pedagogue to instil Divine thoughts into man. Being of Divine origin, the symbolic actions of the Torah cannot be altered by man, as they conform to the unchanging nature of man, which is best known to his Maker. The symbolism of the Torah is as unique as the Torah itself. Just as the Torah cannot be compared to any other 'religion' because it is a phenomenon *sui generis*, so it is with its symbolism. It is quite apart from any other symbolism.

In his 'Basic Outline of Jewish Symbolism' Hirsch first analyses the essence of the symbol in general life and among all nations; he then proceeds to describe the use of symbols in the Torah and the prophetic books outside the legal sphere; such as the symbol of the rainbow mentioned in the Torah, or the many symbolic actions which accompany the prophetic utterances, such as, for instance, the potter's jug which is broken by Jeremiah in front of the people, or the two baskets of figs, the fetters and yoke, etc. (see Jer. i, xiii, xviii, xix, xxiv, xxv, xxvii, xxviii, and the books of the other prophets in the Bible). Finally, Hirsch proceeds to his main task—namely, the exposition of symbolism in Jewish law; and he asks the question: 'Does the Divine law contain commandments which we are justified in considering symbolic signs and acts, and which we then may analyse for their symbolic content?'

Hirsch considered symbolism in Jewish law, and its scientific exposition, as so important that he described it as the 'basis for solving the supreme problems of Jewish knowledge.' Before he presents his principles of symbolic interpretation, he warns us, however, that symbolism as commonly understood and applied is fraught with serious dangers for Jewish knowledge, because it can be degraded by excessive intellectual virtuosity, with the result that any dullard and jester can easily and scurrilously ridicule it before an ignorant audience. Hirsch, therefore, in his preliminary remarks sets out a number of conditions which he considers the basis upon which alone Jewish symbolism can be

¹ *Op. cit.* p. 39.

established as a science and stand the test of scholarship. He further points out that work on symbolism can be of two kinds: (a) it can teach the rules of the art of searching for symbols of ideas—*i.e.*, for perceptible signs to express given ideas; (b) it can teach the rules for understanding given symbols—*i.e.*, the interpretation of symbols, understanding the ideas that are expressed by the perceptible signs. Hirsch is concerned with the second kind of study.

Man's capacity to express thoughts by signs perceptible by the senses is as natural and innate as the drive and capacity to communicate by means of auditory language. Even the theory that language originates, in its most primitive stage, from a kind of sound symbolism is not too audacious. Thus a natural connection may be sought between the sound and the idea it expresses.

As the result of Hirsch's exploratory inquiry into the nature of Jewish symbolism, he established the following rules:

(1) The symbolic significance of an object or of an act is never primarily organic, but always metaphoric—*i.e.*, derived from the intention and purpose of the originator.

(2) When an object or an act is made a symbol, several of its relationships must be taken into consideration. Its symbolic significance may be connected with the natural, the social or the historical relationship of the object or act.

(3) The symbolic significance of an object or act may vary, depending on the presumed purpose of the originator, on the range of thought of the one to whom it is addressed and on the historical and local background.

(4) In order to determine the symbolic character of an object or act at all, and also its meaning and message, it is, therefore, mandatory to take into account the natural, social and historical relationships, and especially its connection with the personalities of the originator and of the persons addressed. The conditions of the time and place must likewise be considered.

(5) Entirely unknown ideas and facts can never be revealed through symbols. It is possible only to demonstrate new relationships between known ideas and facts, and to commit these ideas and facts to renewed and lasting memory.

With these guiding principles in mind, Hirsch analyses the symbols and symbolic acts which Jewish religious law has instituted.

He points out that in the system of the Torah actions take the place of words and proclamations at historical moments, since an action conveys a thought more permanently than verbal utterances. Moreover, the symbolic acts give expression to ideas without splitting them up into words, as speech must. They come to the mind as a unit, like thought itself, and like the resolve which they should beget. Symbolic

actions present themselves with all the force of a single individual and indivisible appeal of the soul.

Symbols in Jewish laws which have the purpose of conveying an idea may be placed in three categories:

- (a) Such *mitzvot* as the Torah itself describes as signs (אות)—e.g., *milah*, tefillin, Sabbath.
- (b) Such *mitzvot* as were ordained as remembrances of historical events—e.g., the sinew of the thigh, matzah and sukkah.
- (c) *Mitzvot* whose whole essence points to the symbolical character of their observance, by which a certain idea is to be conveyed—e.g., *eglah arufah* (Deut. xxi, 7ff.) and *chalitzah* (Deut. xxv, 5ff.).

We shall here deal with only one example of the many laws which Hirsch thus analysed—namely, the law of *milah* (circumcision); not only because it is a fundamental law, forming the basis of the covenant between God and Israel, but also because it offers a good example of how Hirsch combined the two methods of research into the underlying ideas of Jewish laws typical of him—namely, his philosophy of the Hebrew language and his system of symbolism. This, then, is a condensed form of Hirsch's explanation of the covenant of Abraham and the leading ideas derived from this law for the Jewish outlook on life.

Circumcision, the first law given to Israel, is immediately proclaimed in the Torah as *אות ברית*, 'a sign of the covenant'; it is therefore an express symbol. True to his general method of research, Hirsch first collects all the details of the *halachah* referring to circumcision; for this is the only way to ensure that a symbolic explanation is not mere fantasy but based on legal facts.

The way Hirsch proceeds here is so typical of his whole method of searching into the underlying ideas of laws that it is desirable to quote his introductory remarks to the symbolic interpretation of the law of *milah*:

'First let us consider the appointed act of circumcision and its detailed laws. Let us look at it in the entire legal connection of the circumstances and expressions under which it has been decreed. From there we proceed to search for the scope of ideas which must lie within its meaning, and then we find out whether, perhaps, the metaphorical meaning of this act itself and its linguistic designation can be found already expressed in the language of the Holy Scriptures. After that we can attempt to answer the question of which idea the act might be designed to express according to the result of all these factors. We repeat the same analytical procedure with regard to all the individual regulations which make up the legal concept of this commandment. We also contemplate the commandment of circumcision in its relation to other commandments of the Divine law, and finally we test the concept we have gained with the questions: Is this concept such that all these individual regulations and relationships can be demonstrated as its consequence in an easy, natural way? Are all the conditions such that our concept could be

true? Finally, we look around for conceptions of this law as pronounced by others and, by means of that measure, we reach a critical judgment on its value.¹

Before explaining symbolically the act of circumcision in its legal details, Hirsch first considers the context of the circumstances which accompany the introduction of the institution of *milah* in the Torah. Abraham was ninety-nine years of age and God appeared to him and said (Gen. xvii, 1-2): 'I am God Almighty; walk before Me and be thou whole-hearted. And I will make My covenant between Me and thee, and will multiply thee exceedingly'; or, as Hirsch renders these verses: 'I am, **א' שדי**—God Almighty; conduct thou thyself before My Presence, and be thou perfect. I will make My covenant between Me and thee, and multiply thee to the extreme limit.' It is of great significance that in this moment when circumcision is commanded as the basic symbol of the covenant between God and Abraham and his descendants, the appellation of God **שדי** is used. This word **שדי** is usually rendered in English as 'Almighty.' Our Sages in the Midrash explain this expression by the sentence: **אני הוא שאמרתי לעולמי די**, 'I am the One Who said to My world "enough".' That means that after having created the world and its forces, God calls 'enough' to every force and its effects. He puts down the extent, term and limit for everything. **שאלמלא שאמרתי לשמים ולארץ די עד עכשיו היו מותחין והולכין**, 'Had I not called "enough" to My world, heaven and earth would still be in a state of uncontrolled movement.' The creation of the world therefore not only meant bringing it into existence but also the limiting of every force in the universe. This limitation and setting of bounds proclaim God as the free personality outside and above the world, Who is not only the Universal Creator but also the Universal Lawgiver. God's relationship with the world is, therefore, not that of an impersonal primeval power which only forms the cause of the world, and to which the world is only related as a necessary result, but of a Personal Being Who rules and guides the world by His law. These are a few thoughts on the profound meaning of the Name **שדי**, which Name God Himself has put at the head of the commandment of *milah*, the first institution of His law for Israel.

The second Hebrew term used in the introductory verse to the covenant of Abraham is the word **תמים**, 'perfect.' Abraham is commanded to conduct himself in God's view and to be perfect—**תמים**. This postulates the moral totality of harmonious mastery and control of all human tendencies and powers. The postulate of moral perfection, however, is by no means exhausted by even the most altruistic philanthropy and devotion to others; it also, and perhaps first of all, demands moral endeavour towards the perfection of one's own person, especially

¹ 'A Basic Outline of Jewish Symbolism'; see *Timeless Torah*, p. 365.

at moments when man is not confronted by his brethren but walks alone before his God.

This striving for moral perfection is the condition of God's covenant with Abraham and his descendants, whom He promises to protect and make a blessing for mankind—a covenant which is symbolized by the act of circumcision. The performance of the circumcision is the obligation, the accomplished circumcision the sign or symbol (אֵימָה) of the covenant; and the entire idea of a mutual treaty relationship is found at the beginning of the covenant as its introduction, as it were, expressed in the two short sentences which we have quoted above. The part to be fulfilled by Abraham reads: *אני א' ש' התהלך לפני והיה תמים*, 'I am God Almighty; walk before Me and be thou whole-hearted' (Gen. xvii, 1); then follows the promise by God: *ואתנה בריתי ביני ובינך וארבה*, 'And I will make My covenant between Me and thee, and I will multiply thee exceedingly' (Gen. xvii, 2). The symbolic act which for ever symbolizes this eternal covenant is called *מילה*, circumcision.

The act of circumcision commanded by Jewish law consists of two parts: *milah*, i.e., the cutting of the foreskin, and *periah*, which consists of the exposing and freeing of the *atarah* by tearing and folding back the covering membrane. The act of circumcision must be done during day-time. If it is done at night it is invalid. Further, it must be done on the eighth day. If done before the eighth day, it is considered as if it had not been performed.¹ Before explaining the symbolic meaning, that means the general ideas underlying these legal facts and to be derived from them, Hirsch examines the linguistic particularities of the terms used in connection with circumcision. The operative words are: *ערלה* and *מילה*. The Hebrew word used for 'foreskin,' *ערלה*, is a symbolic expression of lack of control, a figure of speech expressing man's uncontrolled passion, as can be seen in the term *ערלה לב*, which literally means an 'uncircumcised heart.' The Hebrew word *מילה* is derived from or related to the word *מול*, which means 'to oppose.' As a symbolic act *מילה* means, therefore, the mastery by man of his physical passions and sensual desires. This is, however, a mere negative aspect, as expressed in the saying: *סור מרע*—'be removed from evil.'² The positive side, contained in the words: *עשה טוב*, 'do that which is good,'³ is symbolized by the second part of the act of circumcision, *periah*, the exposing and freeing of the *atarah*, which represents man's most creative organ. Thus the truth is symbolized that the sensual life of man in itself is nothing unholy. On the contrary; within the limits of the law, the sensual life of man is the basis of his creative faculty under God. Here,

¹ *Yoreh De'ah*, 262: 2; *Sha'agath Aryeh*, 52.

² Ps. xxxiv, 15.

³ *Ibid.*

too, the Name of God, שדי, put at the beginning of the institution of *milah*, is of great significance. It is an expression of *imitatio Dei*, 'the imitation of God.' Just as God is a free, unfettered personality, שדי, Who said די, 'enough,' to His world, and thereby limited its forces, so man, created in the image of God, is a free personality who can, and therefore should, call his own די, 'enough,' to his natural inclinations. So that די in the human character is the exact correlation of what שדי means in the Divine character as an attribute of God. To the Jew it is said: Proclaim your own די—i.e., 'enough,' where God has told you by His law that it is די, 'enough.' That is the whole of Judaism. The whole Torah is nothing else but God's די, or regulating measure for every phase of human life. Hence the Jewish term for sin is עבירה, which means stepping over the borders of Jewish law. Within the scope which God has allowed us, everything, the life of our senses too, is holy and good. In itself, nothing in man is absolutely good and nothing bad. No prohibition demands the complete killing of any tendency of our lives but only directs it to be kept within the given limits. Only by going beyond those limits or by not reaching them does it become sinful. Such is the Jewish fundamental nature of lawfulness. Therein lies the fundamental difference between Judaism and paganism, which permits licentiousness of the senses and sees in their uncontrolled gratification even a worship of idols at the other extreme of the scale. This is also the demarcation line between Judaism and ascetic religions, including Christianity, which proclaim the mortification of the senses as a religious ideal. Judaism is not satisfied by a simple good will.¹ It is not satisfied by mere good intention, by the כוונה being good. The deed to which the good intention is directed must be a truly good one, and the criterion for the goodness of the deed is the will of God as revealed in His law. Hence the fundamental dictum of Jewish ethics, גדול מצווה ועושה, 'One who performs a good action because it is commanded by God stands higher than he who does it because he himself considers it good and acts in consequence of moral self-legislation instead of Divine legislation.'² This truth, which was also stressed by Yehudah Halevy in his *Kusari*, is emphasized again and again by Hirsch in the course of his symbolic, i.e., ethical-religious, explanation of our *mitzvot*. To be human for the Jew means to act under the

¹ In what is called 'autonomic ethics,' every deed is covered by the good intention. It was Kant especially who deified the 'Good Will' by the famous sentence with which he started his *Fundamental Principles of the Metaphysic of Ethics*: 'Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a Good Will.' This was the foundation of his '*Gesinnungsethik*,' which, like his conception of moral autonomy, runs counter to the basic Jewish principle of נעשה ונשמע, as has been pointed out before. It was on this point that the German-Jewish Reformers of Hirsch's era allowed themselves to be led astray by an extraneous ethical system. Cf. pp. lxxvi-lxxvii of this Introduction.

² *Kiddushin*, 31a; *Baba Kamma*, 38a, 87a.

commandment of God. On the free-will decision of the Jew to submit all his actions to God's direction has God built up the whole edifice of the Jewish nation.¹

Hirsch then proceeds to the symbolic explanation of the legal fact that *milah* must be done during day-time and is not valid if done at night. The symbolic character of this legal rule cannot be doubted. After enumerating all the other commandments of the Torah which must be done during day-time and are invalid if done at night, such as *tzitzith*, *lulav*, *shofar*, the exercise of the civil and criminal jurisdiction, the sanctification of the New Moon, etc.,² Hirsch proceeds to explain symbolically the meaning of day and night in Jewish religious philosophy. What is day or night, what is day-time or night-time, in reference to human conditions? What conception of this is revealed in the scope of our Holy Writings? In the history of creation darkness precedes light. Darkness is the expression of *חורו* and *בורו*, of the subjective and objective lack of individuality, the non-distinction of recognition and existence. Light is the expression of perfect existence: *וירא א' את האור* *כי טוב*.³ Yet the creation of light did not have as its purpose the eliminating of the state of darkness from the world. On the contrary, both harmoniously rule over the earth alternately, as decreed by God. With every new day the earth rises again from darkness to light. The evening, *ערב*, which philologically means the state of 'blending,' marks the beginning of every day. Night, *לילה*, a word derived from *לול*, i.e., 'being entwined,' a state in which the individuality recedes and living things interact only as substances and forces, is followed by *בקר*, the morning, the Hebrew root of which means to search, to examine, which awakens everything to a 'distinct,' independent, individual existence.

Man, too, moves in this change. The day places the earth before him. He stands upright as a free individual and governs the world around him for his purposes with energetic, autonomous creation. Night places man, the 'earthly lord of creation,' into the embracing fetters of the world of earthly elements. Day is for him the time for independence, of action. Night is for him the time of succumbing, of passiveness. It is essentially the time when 'numbness befalls people . . . and God seals their fetters . . . to annul the man of action' (Job xxxiii, 15-17). Night and darkness are the most general metaphors for every state of spiritual and physical constraint and powerless dependence that overcomes men and nations.

Human life, then, moves in two essentially different semi-circles. There is the arc of day, many of whose creations are the products of

¹ Cf. Isaac Breuer, 'Lehre, Gesetz und Nation,' in *Wegzeichen* (Frankfort, 1923), pp. 1ff.

² See for further examples, B. Talmud, *Megillah*, 20a, b.

³ Gen. i, 4.

free and creative man, and there is the arc of night, in which man himself appears only as the passive product of telluric and cosmic influences. In one state, man is the power and his world is his product; in the other he is the product and the universe is the power that constrains and forms him.

In this connection Hirsch tries to demonstrate the fundamental difference between Judaism and Christianity as defined by Schleiermacher,¹ the leading Christian theologian of Hirsch's time. As mentioned before, Schleiermacher saw the essence of religion in man's '*schlechthinigem Abhängigkeitsgefühl*'—i.e., the feeling of absolute dependence on a Higher Power. Christianity aims at showing man his impotence, his frailty, his weakness, his death, and his decay. From this feeling of wretchedness and impotence it permits him to sense the higher powers which overwhelm him. Then it allows him to wish for the still higher power that should save him through 'faith' from the fetters of these inimical forces; and from this wish it leads him to believe in God. Christianity shows man the nocturnal spirit of passion and evil in his own breast, so that man becomes frightened of himself and, in horror of the night within him and without, he seeks salvation from the demonic powers at the altars of Christianity. For this reason it likes to build its temples over the tombs of death, celebrates its holy mysteries preferably at night, and its fervent prayers are a cry of distress from the power of the 'evil' in the world and in one's own heart. It ties man to the Divine by passiveness, by the nocturnal aspect of human existence.

Judaism, which is no 'religion' in the ordinary sense of the word, but revealed legislation, calls man to the full bright day and shows him his mastery of the surrounding world and the mastery of the world in himself. By calling on him to submit of his own free will to the law of God, the law of life, it makes him conscious of his free, Divine power to which he can subject the world that surrounds him and the world within his own breast. It shows him the One, Only, Free, Almighty God, Who in His omnipotence has created the world around him and in him and man himself for His service, Who continues to conduct it for ever for the aims of His wisdom. Night and day serve Him, even death serves Him, and so does life. He has also created passion in man's breast in order that man, with independent powers, may master it and apply it for welfare and bliss to the service of God. It shows man the One Who has imparted in him light and freedom as a spark of His Own Free Almighty Essence. With this spark He has lifted man into His immediate proximity, above all that otherwise lies bound in blind necessity and acts according to blind coercion. Pleasure and life, power,

¹ In his '*Grundlinien einer jüdischer Symbolik*' ('A Basic Outline of Jewish Symbolism'), Hirsch does not mention Schleiermacher by name but describes his religious philosophy and its fundamental contrast to Judaism. See *Coll. Writings*, Vol. III, pp. 292-3.

freedom, happiness are for Judaism the heralds that lead to God. It builds its sanctuaries on the bright heights of life. Death and decomposition (טומאה) remain far from the halls of its temple. What Judaism bids to the service of God are not merely prayers and litanies of grief, but the complete and joyful, free and happy activity of man in his rule over the world. And all this is the aim of the Law, which short-sighted men have called 'ceremonies.'

The fundamental difference between Judaism and Christianity Hirsch expresses in the following epigram: 'Judaism allows man to find God where man finds himself; whereas Christianity allows man to find God where man loses himself.'

In this connection Hirsch explains the description of idols in the Hebrew language—namely, אֱלִילִים, which literally means the 'negating forces,' and עֲצָבִים, which means powers that let their force be felt in the 'pain of renunciation.' Idols are the nocturnal gods of primitive religions. In contrast, the Tetragrammaton describes God as the Power which 'always grants new existence.' This, then, is the God of Judaism. Its religion is called 'Law,' or the 'Doctrine of Life.'

It is clear, in the light of the foregoing, why the Divine law requires day-time, and day-time exclusively, for the performance of its most important legal observances and especially the covenant of Abraham, which is the basic symbol of Judaism. Circumcision has no connection at all with the merely physical and hygienic aims of human existence. Like the Jewish dietary laws and all the other *chukim*, the law of *milah* has nothing to do with sanitary regulations or with physical health, although they may be a secondary effect of these laws. Basically, this means that, from the point of view of טעמי המצוות (*ratio legis*), the law of *milah* lies in the moral sphere; it is an expression of moral freedom, that is, of the capability of man to use all his powers, including his sensual inclinations, for a free, moral and consecrated life in the service of God.

There remains the explanation of the prescription that *milah* must be performed on the eighth day and is invalid if performed before. This leads us to Hirsch's symbolism of numbers, especially of the numbers 6, 7 and 8, which has a striking resemblance to the number-symbolism of the Kabbalah.¹ The number 6, in the symbolism of Hirsch, represents the physical world; the number 7 points to the Creator and Master, Who, while invisible, is yet connected with the visible world. Seven means, thus, the visible world perfected in communion with God. While, therefore, the number 7 represents completion, as is seen by the fact that Sabbath, the seventh day of the week, represents the completion

¹ See E. Munk: 'Rabbiner Hirsch als Rationalist der Kabbalah,' *Nachlath Zvi*, Vol. III, pp. 54ff. In the same essay Munk also compares other parts of Hirsch's symbolism with that of the Zohar.

of the world, the number 8 represents the beginning of a new but higher creation, which expects its ultimate fulfilment within the realm of the spiritual and free development of mankind. Thus, the number 8, like the octave in music, forms a repetition of the first scale, but on a higher level. Applied to *milah*, which takes place on the eighth day, it would mean that the physical birth of the child concludes its complete course on the seventh day. The eighth day, the octave of the birth, brings the birthday back, but as a day of higher spiritual birth for the determination of the Jewish mission on earth; for the number 8 is the typical figure of Judaism, symbolizing it at its highest. This symbolic explanation of the numbers 6, 7, and 8 Hirsch illustrates with a great range of examples from Jewish legal enactments and aggadic literature.

Hirsch realized that his system of symbolism would meet with criticism on two fronts: from traditionalists and from modernists. Hirsch fully understood and sympathized with the doubts that came from those loyal to Jewish law. Past experience, especially in connection with the allegorism of the Hellenist Jews, made traditionalists fear that symbolism might be taken as an excuse for non-observance of the laws. A number of Jewish thinkers in the Hellenistic epoch, and those influenced by them, had thought in the past that they could absolve themselves from the observance of the Divine law, for which they claimed a symbolic meaning. They argued that the conception of the meaning was the essence. The act itself could then be discarded as an empty shell. As a consequence of this abuse, serious and conscientious servants of God's law had become suspicious of any symbolic interpretation of the Divine laws. They would rather abstain from every attempt at symbolic interpretation than expose themselves and the holy law of God to such dangers. Hirsch was, however, convinced that these fears would not apply to his own ethical-religious symbolism, which would, on the contrary, strengthen the observance of Jewish laws by providing an intellectual and emotional stimulus to a deeper and more joyful allegiance to them. History has proved him right. Hirsch's attitude in this respect is clearly set out in his Foreword to the *Horeb* as well as in his 'Outlines of Jewish Symbolism.'

Strong opposition against any attempt to establish Jewish symbolism also arose from different quarters. The modernists of the Emancipation era had resented the observance of Jewish law as a burden. A great proportion of Hirsch's contemporaries had audaciously discarded what they considered a troublesome obstruction in their practical life. Now they demanded vociferously that an aberrant theory justify systematically what was already an accomplished fact. This theory arose in the form of 'Reform Judaism.' All the now cumbersome commandments of the Divine law were reclassified as irrelevant trifles, as meaningless formalities to which God, the Legislator of these ordinances, could not

possibly have attributed much importance. Considerations of historical and local conditions were invented which were supposed to have actuated the Legislator for that era, but which had lost all validity for 'modern' times and for 'modern' conditions. In this connection Hirsch points out in his 'Outlines of Jewish Symbolism' how obviously uncomfortable and inconvenient to such a theory must be an opposing claim which, supported by authentically Jewish symbolism, exemplifies the most serious earnestness with which God, in His legislation, demands the fulfilment of exactly those ordinances that many wanted to dismiss as troublesome trifles; a religious and legal philosophy which vindicates the content of those so-called formalities, and lifts them above all change of time and place by virtue of the eternity of the idea that permeates them.

Indeed, referring to the publication of Hirsch's 'Outlines of Jewish Symbolism' in his monthly *Jeschurun* (1856), the historian S. Stern, who was a follower of the Reform movement, wrote as follows:

'Symbolism, as I see it, is a characteristic peculiarity of Christianity as compared with Judaism. As part of Christianity, it is not a product of those elements that stem from Judaism, but rather of those that have been absorbed from Hellenism. It can rather be affirmed that whatever really is symbolism, or appears as such, in Judaism is in fact of pagan, Greek or Christian origin.'¹

This, however, is a fallacious argument. The fact that symbolism plays a rôle in other systems also of thought and religious creeds does not mean that Jewish symbolism must be of alien origin. It has been pointed out previously in the course of this essay that symbolism is a universal phenomenon in the history of the human mind, and varies from land to land and from culture to culture. It would indeed be strange if the Torah had not made use of so universal a trait in the make-up of the human mind as the symbolic way of thinking. Nothing is therefore further from the truth than the allegation of Hirsch's opponents that with the introduction of symbolism into Jewish legal philosophy he had brought into it a Christian element. Symbolism has always played a great rôle in Judaism and its sources. In the Torah, the Prophets, the Talmud, as well as in our mystical literature, substantial use is made of symbols and symbolic actions. Thus Hirsch did not find it difficult to refute the view that symbolism is necessarily a Christian and not a Jewish way of thinking. He contrasted the mystical symbol or

¹ See S. Stern, *Geschichte des Judentums von Mendelssohn bis auf die neuere Zeit* (1857). I quote from the second edition (Breslau, 1870), p. 247. Hirsch's reply to and refutation of Stern's erroneous view is contained in *Jeschurun*, Vol. VI (1858), pp. 21ff. The review of Hirsch's 'Outlines of Jewish Symbolism,' which was published in *Jahrbuch für jüdische Geschichte und Literatur*, Vol. X (Berlin, 1907), pp. 40-41 (occasioned by the reprint of the 'Outlines' in the third volume of Hirsch's *Collected Writings*, 1906), is influenced by Stern's attitude. The first Reformer to attack Hirsch's symbolism was G. Salomon (see his review of the *Nineteen Letters* in Geiger's *Wissenschaftliche Zeitschrift für jüdische Theologie*, Vol. II, pp. 417ff.).

sacrament of the Christian religion, as it appears in the mystery rites of Christianity and some ancient religions, with the symbolic thought-world of Judaism, which lies primarily in the moral and not in the mystical sphere. It is true that in the works of the Kabbalah, especially the Zohar, mystical symbolism abounds in the theosophic doctrine of Kabbalah, as well as in its symbolism of the *mitzvot*.¹ Nevertheless, Kabbalistic symbolism is miles apart and essentially different from the symbolism employed either by Greek or Christian philosophy. This brings us to Hirsch's attitude to the Kabbalah and the philosophy of Jewish mysticism.

SAMSON RAPHAEL HIRSCH AND THE KABBALAH²

Only once in his writings did Hirsch express his views on the Kabbalah. In letter 18 of his *Nineteen Letters on Judaism* he wrote: 'A discipline arose, on which I as an uninitiate cannot venture to pass judgment, but which, if I comprehend rightly what I believe I understand of it, is an invaluable repository of the spirit of *Tenach* and *Shass*, which has unfortunately been misunderstood. What represents eternal progressive evolution has been conceived as a static mechanism and what is an internal phenomenon and conception has been taken as an external dream world. This discipline came into existence and the mind turned either to external development of the Talmud, worked out with great acumen, or to this other learning, which engaged the emotions as well. Had Kabbalah been properly grasped, practical Judaism might perhaps have been pervaded by its spirit. Since it was misunderstood, however, it became thereby a magic mechanism, an operation or rejection of theosophic worlds and anti-worlds.'

In spite of this guarded attitude to Kabbalah, Hirsch was reproached by the Reformers of his time for his use of mystical Kabbalism in interpreting Jewish laws.³ There was in those days a violent enmity against Kabbalah, and the reproach against Hirsch on this score was regarded by some as the clearest proof of his inadequacy. Geiger saw in the mystical explanations of Jewish laws by the Kabbalah nothing but gross superstition.⁴ It is characteristic of historical change that under the

¹ See esp. *Raya Mehemna*, the part of the Zohar which deals with the mystical explanations of the commandments of the Torah, and the book *Kanah*.

² Cf. Jacob Rosenheim, *Samson Raphael Hirsch's Cultural Ideal and Our Times* (Shapiro, Vallentine, London, 1951), pp. 63ff.; E. Munk, 'Rabbiner Hirsch als Rationalist der Kabbalah,' *Nachlat Zvi*, Vol. III, pp. 54ff.; Gershom G. Scholem, *Major Trends in Jewish Mysticism* (Schocken Books, New York, 1946), pp. 25ff., and the essays of the same author in *Bayerische Israelitische Gemeindezeitung*, 1st June, 1932, and in *Jüdische Rundschau* of 17th July, 1934.

³ See G. Salomon in Geiger's *Wissenschaftliche Zeitschrift für jüdische Theologie*, Vol. II, p. 418.

⁴ See his essay 'Der Formglaube, etc.,' in *W.Z.f.j. Th.*, Vol. IV (1839), pp. 11 and 12.

influence of the irrational trend of our era, and the philosophy of existentialism, mysticism has now become fashionable. The study of the Kabbalah and its theosophic system as well as of Chasidism is much favoured even in non-Orthodox circles. However, the true representatives of Chasidism and the legitimate transmitters of Kabbalistic thought will not take very seriously this encounter by modern non-Orthodox Jewish authors with Jewish mysticism because, like any other branch of Torah-learning, both Kabbalism and Chasidism presuppose, for their real understanding, the acceptance in thought and action of the Jewish way of life based on Torah and *mitzvot*. As far as the Kabbalah is concerned, the Talmudical interpretation of the verse in Psalm cxi, 10, שכל טוב לכל עושיהם (see *Berachoth*, 17; *Pesachim*, 117), applies with added force; and that is why down the ages the study of the mystical books of Kabbalah and of esoteric teachings in general has, by tacit approval, been reserved for those who are distinguished by great Talmudical learning¹ and holiness of life (which often amounts to severe ascetic exercises) and in the direct line of discipleship of the authentic Kabbalists. It is for similar reasons that Hirsch, who was not initiated by his teachers into the Kabbalah (חכמת הסתר), took the advice offered by Nachmanides in his introduction to his *Commentary on the Torah* and, while otherwise leaning heavily on him, yet by-passed his Kabbalistic explanations on *mitzvot* in silent reverence. It is all the more noteworthy, as an extant hand-written volume of preparatory notes shows that Hirsch used the Zohar, in addition to Biblical, Talmudical, Midrashic and halachic sources, in his compilation of the *Horeb*.²

G. Scholem considers Hirsch a 'classical case of a prevented mystic' and his symbolism as 'questionable'; he reproaches Orthodoxy for its '*Kabbalaangst*' (dread of Kabbalah) and especially Hirsch for being afraid to go the whole way of the Kabbalistic system.³ There is a touch of irony in the fact that, while Hirsch's non-Orthodox critics of a hundred years ago reproached him for being too much under the influence of the Kabbalah, Hirsch's present-day non-Orthodox critics of the neo-mystical school reproach him for not being mystical enough. In reality, Scholem's criticism of Hirsch is based on a lack of understanding of Hirsch's system of thought, and therefore completely misses the point. Hirsch was concerned with the ethical side of Jewish symbolism and not with its mystical side. Speaking in terms of Kantian philosophy, Hirsch's object of research was the Torah and its laws as

¹ See Maimonides, *Hilchoth Yesodei HaTorah*, chap. 4: 13.

² See Joseph Breuer, 'Aus den Vorarbeiten zum *Horeb*,' *Nachlath Zvi*, Vol. V, pp. 142ff.

³ See his essays in the *Bayerische Israelitische Gemeindezeitung* and *Jüdische Rundschau* cited before. See also G. Scholem, *Major Trends in Jewish Mysticism*, p. 30. Scholem's mistaken criticism of Hirsch's attitude to Kabbalah has been dealt with by Jacob Rosenheim, *op. cit.*, pp. 42ff., and by E. Munk in his article mentioned before.

phenomena and not as noumena. His ethical symbolism did not exclude the possibility of a mystical symbolism which holds that every *mitzvah* has also a cosmic significance and that the effect of a commandment observed reaches to the remotest ramifications of the universe. This conception, however, is different from that of Scholem, who wrongly maintains that the Kabbalists transformed the *halachah* into a sacrament or mystery rite in the sense in which this term was used by the ancients.¹ We shall come back to this point later on.

According to the mystical exposition, the laws of the Torah have an effect not only on the character of the persons who observe them but also on the harmony of the world as a whole. Every *mitzvah* is thus an event of cosmic importance; and as the laws of the Torah are the means of establishing and preserving the harmony of the universe, every observant Jew becomes a co-operator with God in the drama of history and the guidance of the world. This interpretation of our laws is common to all Jewish mystics from the Zohar down to the latest exposition of Chasidism.²

Hirsch was mainly concerned with the ethical-religious interpretation of the underlying ideas of our laws, which, unlike the mystical interpretation, is capable of rational treatment. He deliberately abstained from treating the סוד, the mystical core of a *mitzvah*, which is the main object of Kabbalistic thought. Thus, in reality, the ethical symbolism of Hirsch and the mystical symbolism of the Kabbalah are not contradictory but complementary to each other.³ As indicated above, there is no contradiction whatever between the *halachah* and mysticism, as has been demonstrated in particular by Avigdor Kroo.⁴ Some of our outstanding halachists, like Joseph Karo, the compiler of the *Shulchan Aruch*, and Joel Serkes (ב"ח), one of the leading commentators on the halachic code known as *Tur*, the famous Talmudist R. Haim of Volozhin, and Abraham Danzig, the author of the *Chayeh Adam*, were mystics; the apparently rationalistic legal disquisitions of many of our great halachists often have a mystical basis, although this is not directly stressed by the halachic authors themselves.⁵

¹ See Scholem, *ibid.*, p. 29.

² See esp. רעיא מהימנא, that part of the Zohar which deals particularly with the Kabbalistic interpretation of the commandments of the Torah, and פטמי חסדות, by Menachem Rekanati, (thirteenth century), שערי אורה, by Joseph Gikatilla (1250-1300), and the Kabbalistic books *Peliah* and *Kanah*, by an anonymous Kabbalistic author, which have been attributed by Aaron Marcus (*Der Chassidismus*, p. 246) to Rabbi Avigdor Kroo (1369-1439). Cf., however, G. Scholem's *Major Trends in Jewish Mysticism*, p. 400. See also מצותיך דרך, by Menachem Mendel of Lubavitch (1789-1866).

³ See on this subject also Jacob Rosenheim, *ibid.*, pp. 66, 67.

⁴ See *Verus* (Aaron Marcus), *Der Chassidismus*, p. 248.

⁵ Cf. *Responsa* of Joel Serkes (*Bach*), No. 4; and נפש חיים, by R. Haim of Volozhin; on the latter's relationship to the Kabbalah see also J. Litvin in שערי ציון (London, Teveth, 5721).

The reticence on the part of the halachists towards mentioning Kabbalistic sources in connection with their decisions has a long history. It was only accentuated but not caused by the debacle of Sabbatianism and the rise of mystical heresies. There is a well-known passage in the Talmud¹ which relates: 'Four men entered the "Garden,"² namely, Ben Azzai and Ben Zoma, Acher³ and Rabbi Akiba . . . Ben Azzai cast one look and died. Ben Zoma looked and became demented. Acher became an apostate.⁴ Only Rabbi Akiba left the "Garden" unhurt.'

This tragic episode has always served as a warning to anyone uninitiated in Jewish mysticism not to tread this dangerous path lightly. Thus Maimonides wrote: ואני אומר שאין ראוי לטייל בפרדס אלא מי שנתמלא כריסו לחם ובשר. ולחם ובשר הוא לידע האסור והמותר וכיוצא בהם משאר המצות, 'In my opinion only he should "stroll in the Garden" [engage in esoteric speculation] who has had his fill of bread and meat. By bread and meat I mean a knowledge of the prohibitions and commandments and other spheres of Jewish laws.'⁵

Indeed, our great *yeshivoth* have always refrained from including the study of Kabbalah in their curriculum. There is therefore much more behind the reluctance of Orthodoxy to make the Kabbalah a subject of popular study than Scholem's expression '*Kabbalaangst*' (dread of Kabbalah) suggests. Although Kabbalah has always been regarded with the deepest reverence and an almost religious awe by Jewish religious leaders, it has never been considered a medium for mass education. This reticence is based on the conviction, and indeed on the historical experience, that Jewish mysticism without the safeguard of the *halachah* is bound to lead its devotees astray and become the source of antinomian tendencies in Jewish life and thought. The mystical heresy and licentiousness of the Sabbatian and Frankist movements provide clear object lessons as to where mysticism without the intellectual and moral discipline of the *halachah* can lead. Indeed, the modern flirtation with Kabbalah and Jewish mysticism in certain contemporary Jewish circles, who have turned their backs on Jewish fundamental beliefs and do not care much for the practical observance of Jewish laws, makes *Kabbalaangst* all the more intelligible. It is the old, old story. Those who are not guided by the unchangeable standards of Torah and Jewish law tend to be ruled by the '*Zeitgeist*,' the spirit of the age. A hundred years

¹ *Chagigah*, 14b.

² Hebrew פרדס, which is a figurative expression for the realm of esoteric speculation.

³ Literally 'another' or 'outsider,' by which term Elishah ben Abuyah, the teacher of Rabbi Meyer, was referred to after his apostasy.

⁴ Literally, 'mutilated shoots.'

⁵ See Maimonides, *Hilchoth Yesodei HaTorah*, chap. 4: 13.

ago, when rationalism and 'enlightenment' were rampant in Western Europe, the Reformers, as we have already pointed out, violently attacked mysticism. Today, under the influence of irrational and mystical trends of our time, Kabbalah has again become acceptable to non-Orthodox circles—but without its halachic basis. This, however, is a contradiction in terms; for Kabbalah without *halachah* is not Kabbalah.

The crucial test of any Jewish religious philosophy, including mysticism, lies in whether or not a relationship is being created between *halachah* and religious philosophy; in other words, whether that religious philosophy is able to create an ideology of the *halachah*. Fundamentally, any philosophy called Jewish ought to be a philosophy of the *halachah*. G. Scholem draws our attention to the fact already stressed by S. D. Luzzatto and Hirsch that the mediaeval Jewish scholastic philosophers failed to establish a true synthesis between *halachah* and their religious philosophy.¹ The Kabbalists, however, as Scholem points out, 'right from the beginning and with growing determination sought to master the world of the *halachah* as a whole and in every detail. From the outset an ideology on the *halachah* is one of their aims.' This statement is certainly correct. What now follows, however, is a fundamental error of judgment on his part.

'But in their interpretation of the religious commandments, these are not represented as allegories of more or less profound ideas, or as pedagogical measures, but rather as the performance of a secret rite (or mystery in the sense in which the term was used by the Ancients). Whether one is appalled or not by this transformation of the *halachah* into a sacrament, a mystery rite, by this revival of myth in the very heart of Judaism, the fact remains that it was this transformation which raised the *halachah* to a position of incomparable importance for the mystic, and strengthened its hold over the people. Every *mitzvah* became an event of cosmic importance, an act which had a bearing upon the dynamics of the universe. The religious Jew became a protagonist in the drama of the world; he manipulated the strings behind the scenes . . . The danger of theosophical schematism, or, as S. R. Hirsch put it, of "magical mechanism," is, of course, inherent in such an interpretation of the Torah, and it has more than once raised its head in the development of Kabbalism. There is a danger of imagining a magical mechanism to be operative in every sacramental action, and this imagining is attended by a decline in the essential spontaneity of religious action . . . By interpreting every religious act as a mystery, even where its meaning was clear for all to see or was expressly mentioned in the Written or Oral Law, a strong link was forged between Kabbalah and *halachah*, which appears to me to have been in large part responsible for the influence of Kabbalistic thought over the minds and hearts of successive generations.'²

¹ G. Scholem, *Major Trends in Jewish Mysticism*, pp. 28–29.

² *Ibid.*, pp. 29–30.

It is simply not correct to say that in their interpretation of religious commandments of the Torah these are not represented by the Kabbalists as allegories of ideas or as didactic measures but rather as the performance of a secret rite. On the contrary, in the whole of Jewish mystical literature we find that moral symbolism goes hand in hand with mystical symbolism. A few examples may suffice. In the work *טעמי המצוות*, by Menachem Rekanati (thirteenth century), it is pointed out that forbidden food makes the body—the instrument of the soul—coarse, increases the power of the evil inclination and awakens the animal in man. The expression which the Kabbalists use in this connection is that the meat of prohibited animals *מטמא את הלב*, ‘clogs the heart’—i.e., deadens its finer qualities. Quoting ‘the wise man Azriel,’¹ Menachem Rekanati sums up the inner meaning of the dietary laws as follows: ‘With all the dietary laws it is said, “Be holy unto Me” in order to purify the soul, which draws its sustenance from the food in accordance with its refinement and purity.’²

Here we undoubtedly find a moral motive and a didactic measure presented as the underlying idea of the dietary laws. Other Kabbalist writers follow a similar line. Indeed, it could not have been otherwise, as the Torah clearly states as the *ratio legis* of the dietary laws holiness or self-sanctification, which is a moral term (Exod. xxii, 30; Levit. xi, 43–45). In addition to these moral reasons, the Kabbalists also give mystical reasons. Thus, for instance, the Jewish mystics assert that a mixing of the species which have been established by God is wrong, because ‘it disturbs the balance of the universe’ (*מכחיש במעשה בראשית*). And this same reason is given by the mystics for the prohibition against mixing meat and milk.³ Meat and milk boiled or consumed together, the mystics say, upset the microcosm of man and disturb the harmony of his being just as they disturb the harmony of the universe as a whole; and although meat in itself or milk in itself may be harmless, yet the mixture is very harmful because the effect of a species in its pure form is quite different from that of an admixture.⁴ While, therefore, according to the mystical exposition the laws of the Torah have an effect on the harmony of the world as a whole, on the macrocosmos, they also have an effect on the microcosmos, that is, on the character of the person who observes them. This is also clearly demonstrated by the *Kavvanoth* (meditations) introduced by the mystics before the performance of a *mitzvah*. Thus in the meditation before laying the tefillin,

¹ Referring to Azriel ben Solomon, who, like his famous brother Ezra ben Solomon, belongs to the Gerona School of Kabbalists, and lived about 1230.

² Rekanati, *טעמי המצוות*, chap. on מצות עשה on.

³ See *Sefer HaChinuch*, and Rekanati, *טעמי המצוות*, sec. בשר בחלב.

⁴ See *Sefer HaChinuch*, precept 62.

which is taken from the prayer-book of the Kabbalist Rabbi Isaiah Hurwitz (1570–1630),¹ there is the following passage:

‘For the sake of uniting the Holy One, praised be He, and His *Shechinah*, out of fear and love, I am here intent upon the act of laying the tefillin, in fulfilment of the command of my Creator, who hath commanded us to lay the tefillin, as it is written in the law: “And thou shalt bind them for a sign upon thine hand, and they shall be for frontlets between thine eyes” . . . He hath commanded us to lay the tefillin upon the hand as a memorial of His outstretched arm; opposite the heart, to indicate the duty of subjecting the longings and designs of our heart to His service, blessed be He; and upon the head over against the brain, thereby teaching that the mind, whose seat is in the brain, together with all senses and faculties, is to be subjected to His service, blessed be He. May the effect of the precept thus observed be to extend to me long life with sacred influences and holy thoughts, free from every approach, even in imagination, to sin and iniquity. May the evil inclination not mislead or entice us, but may we be led to serve the Lord as it is in our hearts to do. Amen.’

Here again we find that combination of mystical and ethical symbolism so typical of Kabbalah, especially of Lurian Kabbalah. While at the beginning of the meditation the mystical intention (*kavanah*) of the one who performs the *mitzvah* is directed by way of *tikkun* to restoring the *Shechinah*, which through the defection of man is in exile, to its original state, the rest of the meditation, especially its reference to the evil inclination in man (*yetzer hara*), shows a clear switch over from mystical to moral symbolism. From all this we see that the Kabbalistic ideology of *halachah*—as indeed any genuinely Jewish ideology of the *halachah*—is unthinkable without moral symbolism, *i.e.*, the conception of the *mitzvot* as symbolic actions conveying Divine ideas that are intended to lead to the moral improvement and, finally, the moral perfection of man. Even for the mystic, the gravamen of every *mitzvah* lies primarily in its ethical element—that is, in its effect on the character of man—and only secondarily in its mystical element. This must needs be so because if the *mitzvah* did not improve the man who performs it in the direction of holiness, it would not be considered worthy of having a cosmic influence or significance over and above its influence on him. Any Jewish philosophy of the *halachah* which truly merits or indeed terminologically justifies the name of ‘Jewish’ must avoid making the *mitzvah* into an *opus operatum* rather than an *opus operantis*, otherwise the *mitzvah* is debased into either a mechanical performance or a mystery rite or sacrament. To state, as Scholem does, that the Kabbalah has done the latter does a great injustice to its mystical thinkers. Scholem’s fundamental error in this connection results from his apparent overlooking of the fact that whenever Kabbalistic literature

¹ See I. Abrahams, *A Companion to the Authorised Daily Prayer-Book* (London, 1914), p. xxvii.

concerns itself with *טעמי המצוות*, the underlying ideas of our laws, mystical symbolism goes hand in hand with moral symbolism. In the symbol, Scholem says, 'a hidden and inexpressible reality finds its expression . . . the *mitzvot* are to the Kabbalist symbols in which a deeper and hidden sphere of reality becomes transparent.'¹ While the mystical core of the *mitzvah* may be an inexpressible reality, its moral element—*i.e.*, its influence on the character development of its performer, is certainly expressible. Had the Kabbalists really neglected that ethical element which is contained in moral symbolism, and concentrated exclusively on mystical symbolism, they might indeed have committed the fundamental error of transforming the *halachah* into mere sacraments or mystery rites. Thereby they would have been in open conflict with the Torah, which proclaims holiness, *i.e.*, moral perfection, as the constant aim of the *mitzvot*.² Essentially the concepts of *halachah* and sacraments or mystery rites are diametrically opposed to each other. Genuine Kabbalah, which, as Hirsch put it in his *Nineteen Letters*, is an 'invaluable repository of the spirit of Bible and Talmud,' could never have made the fundamental mistake of confusing *mitzvot* with mystery rites. Only where Kabbalah was misunderstood, *i.e.*, where moral symbolism was completely displaced by mystical symbolism, did it become what Hirsch called a 'magic mechanism.' As long, however, as moral and mystical symbolism were allowed to join hands, the result was a deepening of the religious fervour of the act of the *mitzvah* and a strengthening of its spiritual force. That is what Hirsch meant when he wrote in his *Nineteen Letters*: 'Had Kabbalah been properly grasped, practical Judaism might perhaps have been pervaded by its spirit.' How right Hirsch was in this respect can be seen in Chasidism, where a combination of moral and mystical symbolism resulted in making the *mitzvah* an unparalleled source of holy joy, spiritual strength and zest for life among the broad masses of the Jewish people.

There remains the question of why Hirsch, in his system of symbolism, which played such a major part in his life's work, abstained from treating the *סוד* (the mystical core of the *mitzvah*) and concerned himself only with the ethical-religious interpretation of the underlying ideas of Jewish laws; in other words, why he remained silent on mystical symbolism, while giving so much of his time and strength of thought to moral symbolism. One answer to this question has already been given. Hirsch considered himself as uninitiated in the sphere of Kabbalah, as he clearly expressed in his *Nineteen Letters*. He considered it rather as his task to uncover the deeper moral springs of the laws of the Torah, as far as *הכמת הגולה* was concerned, for the benefit of a misguided generation in Western Europe, which had an entirely wrong

¹ Scholem, *op. cit.*, pp. 27–28.

² See Exod. xxii, 30; Levit. xix, 2; Num. xv, 40; and many other passages.

conception of the *mitzvoth*. In this endeavour, he could clearly base himself on Torah, *Tenach* and Rabbinical literature, without having recourse to mystical sources. It has already been mentioned that the Torah is very emphatic in its stress on holiness, *i.e.*, moral perfection, as the general aim of its legislation. The prophets of Israel, too, laid the utmost stress on the ethical elements of the *mitzvoth*. In the prophetic teaching, the knowledge of God means the knowledge and practice of what is good and moral,¹ and as far as Israel's Sages are concerned they laid it down for ever by the form of the benediction which precedes every *mitzvah* that its ethical element was uppermost in their minds: 'Blessed art Thou, O Lord, our God, King of the universe, Who hast sanctified us by Thy commandments, and hast commanded us, etc.' And to this very day, our prayers echo the predominance of the ethical element in the practical discipline of the *mitzvoth* when we pray: 'Sanctify us by Thy commandments, and grant our portion in Thy law.'

There is, however, another reason which must have weighed heavily with Hirsch in his decision not to include mystical symbolism in his symbolic system. Mystical symbols and conceptions, such as *tikkun*, *klipah*, *tzinor*, *shevirath ha-kelim*, *tzimzum*, etc., do not appeal to everyone. They are not, to use a Talmudical idiom, שוה לכל נפש—they are not congenial to everyone's frame of mind, and they would certainly not have fallen on fertile ground in the era in which Hirsch lived, when rationalism and shallow 'enlightenment' were the order of the day. But the ethical thought-categories which Hirsch used in expounding the underlying ideas of our laws do appeal to the moral conscience and intellectual climate of all times and environments. The mistake Hirsch had to avoid was that made by the mediæval Jewish scholastic philosophers, who, as we have seen before, omitted to connect *halachah* and religious philosophy and so evolve an ideology of *halachah*, and thus came to advance reasons for the *mitzvoth* which did anything but engender enthusiasm for their practical observance.² Hirsch therefore used all the intellectual and moral power of his genius to create an imposing unity of *Shemathetha* and *Aggadetha*, of *halachah* and *Weltanschauung*, basing the latter meticulously on all the details of the former. And thus he succeeded in rearing a generation of strictly and enthusiastically observant Jews who combined דקדוק במצוות, loyalty to the minutiae of our sacred laws, with a deep penetration into their spirit; and all that during an epoch and in surroundings where

¹ See, for instance, Jer. ix, 22–23.

² Referring to the well-known remark in Maimonides' *Morch Nevuchim* which describes a mixture of meat and milk as unhealthy and connects it with idolatrous practices, Aaron Halevy of Barcelona, the author of *Sefer HaChinuch* and otherwise a staunch follower and great admirer of Maimonides, simply says, וכל זה אינו שוה לי, 'such reasons do not impress me at all.'

hostility to and disobedience of Jewish law were rampant.¹ This is an historical fact, which cannot be gainsaid and which has indeed been acknowledged even by those who are otherwise far removed from the thought-world of Hirsch.

However, Hirsch's concentration on the ethical element of the *mitzvot* does not mean that he was not deeply aware of their mystical core and their cosmic importance. This is borne out by his deep-searching commentary on the eighth chapter of Proverbs,² where he elaborates on the old Midrashic tradition³ that the Torah preceded Creation and that in creating the world God used the Torah as a blueprint for the cosmos. There must therefore be a connection between the *mitzvot* of the Torah and the harmony of the universe, even as there is a causal link between the commandments of the Torah and the inner harmony of each individual who observes them.⁴ The moral stature and dignity of man is thus linked with the mystical reality of the cosmos, through the laws of the Torah, which, like the laws of Nature, are an emanation of the Creator. And so we find that the methods of research into the underlying ideas of our laws used by Kabbalist thinkers and by Hirsch meet in the end, as has been aptly written: 'Any method of research into the *mitzvot* of the Torah which springs from the original fountain head of the authentic Jewish spirit must of necessity flow into the same stream of eternal Jewish truth.'⁵

¹ A few years before the death of Hirsch, a prominent member of his congregation recalled in his published memoirs that in his adolescent years he was the only young man among his many friends who still 'dared' to put on tefillin. 'If anyone still had the courage to live an observant Jewish religious life he was regarded either as a simpleton or as a hypocrite. The weight of contempt expressed in the look of scorn that greeted an avowal of adherence to Jewish religious observance had to be experienced in order to be believed.' Cf. Hermann Schwab, *The History of Orthodox Jewry in Germany*, p. 39; Emmanuel Schwarzschild, *A Frank Word* (Frankfort, 1877); I. Heinemann, *Ta'amei HaMitzvot*, Vol. II, p. 161; I. Grunfeld, *Three Generations*, p. 21.

² *Jeschurun*, Neue Folge, Vol. I (1884).

³ *Gen. Rabbah*, chap. 1.

⁴ On Hirsch's achievement in presenting the underlying ideas of the *mitzvot* in such a manner as to make their observance have a lasting influence on the inner life and character of the observant Jew, see also J. J. Weinberg's essay 'Mishnato shel Rabbi S. R. Hirsch,' published in *De'oth*, Vol. IX (Jerusalem, 5719), and reprinted in *Rabbiner Samson Raphael Hirsch* (edited by S. Ehrmann) on the occasion of the 150th anniversary of Hirsch's birth (Zürich, 5720/1960).

⁵ E. Munk, 'Rabbiner Hirsch als Rationalist der Kabbalah,' *Nachlath Zvi*, Vol. III, pp. 54ff. See also the same author's *Das Licht der Ewigkeit*, a treatise on the esoteric teachings of Judaism.

RELIGION, LAW AND LIFE: AN HISTORICAL VINDICATION OF THE HOREB

Nearly a hundred and twenty-five years have passed since the first publication of Hirsch's *Horeb*: a century and a quarter of Jewish life, full of vicissitudes in the inner and outer history of our people. When Hirsch wrote his epoch-making work, he was fully aware that the emancipation of European Jewry was in a sense to prove the greatest test in exilic history. Instead of Jewish law being the perpetual standard of reference in every activity and feeling of the Jew, as it had generally been up till then, the Jewish law had to justify itself before the bar of European civilization—at least in the eyes of those Jews to whom the entrance into European society was a paramount ideal to be achieved. And they were the vast majority of Western Jews. It was against this fatal conception that Hirsch pitted his strength—a lonely fighter on behalf of the idea of the eternity and spiritual self-sufficiency of the Divine law. 1838–1938! A hundred years almost to the day after the publication of the *Horeb* Jewish Houses of Prayer and Study stood in flames throughout Germany, set on fire by a mad off-shoot of that very civilization which, in the view of the Reform Jews of Hirsch's days, was to be the judge and arbiter of the morality of the Divine laws of the Torah.

Hirsch's worst forecasts of the inner history of German, and indeed of Western, Jewry became true. Reform, which originated in Germany, spread like wild-fire across the whole Continent of Europe and thence to the New World, as if to devour in its fury the sacred edifice of Judaism. As the so-called Reform¹ Rabbis recognized neither Bible nor Talmud, nor any other Jewish religious source, as a binding authority, there was hardly any Jewish institution, however fundamental, which at one time or other was not made the target of their attack. Thus the covenant of Abraham was attacked by Abraham Geiger, the founder of Reform Judaism, and ridiculed by his disciple Emile J. Hirsch. The Sabbath was transferred to Sunday by Samuel Holdheim, another Reform luminary. Yom Kippur was called by the New York Reformer J. M. Weiss valueless, gloomy, and one of the last remnants of our outworn institutions in the Jewish faith. Belief in the immortality of the soul was compared by the already quoted famous Reform preacher Emile Hirsch with drugs and anaesthetics. Tishah be'Av, the supreme day of mourning for our lost State and Temple, was made a day of dancing and rejoicing. Jewish nationhood was denied; belief in the

¹ We are using the term Reform in the meaning given to it in Germany, and later in the United States of America. In England the term Reform is used in a different sense, and the English term Liberal approximates to the meaning of Reform in Germany and America.

Messiah and the hope of Israel's Restoration to the Land of their Fathers were derided—nay, even the existence of God Himself was doubted in a 'conference sermon' during the Conference of American Liberal Rabbis in 1914. And all this was called 'Judaism' as expounded by 'Rabbis.'¹

Such was the result of the blind and fanatical hatred with which the Reformers looked at Jewish law. Speaking of the authoritative Code of Jewish Law, Geiger wrote in 1837: 'Now open the *Shulchan Aruch* and give the religious(!) decision whether the pots and pans are still usable or not. For heaven's sake, is this the way you want to achieve a strong religious revival? Do you not go pale with shame and consumed with anger about yourself and your hypocrisy? . . . There is only one way out. The Medusa head of the empty forms must be cut off, even if this work is full of difficulties.'² Geiger, who had a special hatred of the Talmud, was equally concerned about the fact that the Bible was revered as a Divine book. Thus, in a letter to Dernburg dated Nov. 8th, 1836, he wrote: 'We must get rid of the Talmud and of the conception of the Divine origin of the Bible, which in reality is a combination of very beautiful and sublime, perhaps the sublimest, human books. This won't be achieved today, nor tomorrow, but it must remain our aim; and thus we co-operate with all the truthful aspirations of our time and work in our studies more for the cause of progress than through hundreds of sermons or manifold religious instruction.'³ In this endeavour to destroy the conviction of the Divine origin of the Hebrew Bible, Geiger had the enthusiastic co-operation of German anti-semitic Bible critics like De Wette and Wellhausen and Delitzsch, whose main aim it was to deprive the Jewish people of the honour of being the people of God and the chosen agents for spreading His Word.

In 1909, Solomon Schechter, who belonged to a school of thought rather different from that of Hirsch, wrote from New York to his friend Max Heller in New Orleans as follows: 'Accept my heartiest thanks for your brochure⁴ *Samson Raphael Hirsch*, which I read with great pleasure. It was high time that a knowledge of this great man in Israel should find its way to America. . . . What I have admired in him most was that he cared so little for numbers, and conceived the important fact that it is necessary to maintain at all costs a remnant, in all its

¹ For evidence regarding the above-mentioned statements and for further particulars see J. H. Hertz, 'The New Paths,' first printed in *Affirmations of Judaism* (1927), reprinted as a separate publication by Edward Goldston (London, 1946).

² A. Geiger, 'Die Rabbinerzusammenkunft,' *W.Z.f.j.Th.*, Vol. III, p. 321.

³ The original (German) letter of Geiger to Dernburg is quoted in S. Kaatz's *Abraham Geiger's religiöser Charakter* (Frankfort, 1911), p. 31; also in *Nachlath Zvi*, Vol. III, p. 78.

⁴ The brochure is a paper on Samson Raphael Hirsch by Max Heller, printed in the Year Book of the Central Conference of American Rabbis, Vol. XVIII, pp. 179ff.

integrity, to bear witness against the majority to which we all belong, and this in the face of the most rampant reform, which at the time had its seat at Frankfort. We, of a younger generation, have hardly an idea of the tyranny of a Stein and Stern at that period when Geiger also discovered "the inner life." As in this country, they were backed by all the wealth of the *parnasim*, by the general rationalistic current of the time, and by the economic conditions of Germany. It required the heroism of a martyr to make a stand against all these destructive forces.'¹

The attack of the Reformers against the traditional Jewish law found indeed a powerful ally in the *Zeitgeist*, the spirit of the time. Nurtured by the old Pauline fallacy that law is the natural enemy of spiritual religion, an artificial antithesis of law and spirit was created. Religious law was described as rigid, external, formalistic and ritualistic; it was maintained that obedience to religious law extols the letter and kills the spirit. The legal attitude, it was said, neglects the weightier duties of the higher spiritual teaching, so that piety degenerates into formalism wherever law enters the sphere of religion. Thus a divorce of law and religion was created in modern life.

In the autobiography of Sir Edmund Gosse, the famous English man of letters, there occurs the following passage: 'My father's religious teaching to me was almost exclusively doctrinal . . . Some glimmer of a suspicion that he was sailing on a wrong tack must, I suppose, have broken in upon him when he had reached the eighth or ninth chapters of Hebrews, where, addressing readers who had been brought up under the Jewish dispensation and had the formalities of the law of Moses in their very blood, the apostle battles with their dangerous conservatism . . . Suddenly by my flushing up with anger and saying, "Oh, how I do hate that Law," my father perceived, and paused in amazement to perceive, that I took the Law to be a person of malignant temper from whose cruel bondage, and from whose intolerable tyranny and unfairness, some excellent person was crying out to be delivered. I wished to hit Law with my fist, for being so mean and unreasonable.'²

Indeed, the leaders of Christian opinion in Europe, and their Jewish imitators, conscious or unconscious, have often 'hit the law of Moses with their fists'; but it seems that in doing so they have done more harm to European civilization than to the law of Moses.

The separation of law and religion has proved to be one of the greatest disasters in the history of human civilization. It has done untold harm to law and religion alike. It has robbed law of its sacred character and thereby of its strongest moral incentive; it has deprived religion of its legal element and, with that, of its influence over the greatest social

¹ See J. T. S., *Schechter Letters*, 10th March, 1909, brought to my attention by Mr Sefton Temkin.

² See E. Gosse, *Father and Son* (Evergreen Books, London, 1941), p. 74.

movements of our time. Law alone can be the regulator of organized human life. The rejection of law as a religious discipline means, therefore, of necessity, the flight of religion from the world and its realities, a denial of the value of life and a state of detachment and capitulation on the part of religion. Hence originates the deplorably small influence which organized religion has wielded in the daily affairs of life, especially in its social and economic spheres, where religious activity should be at least as predominant as in the sphere of faith and morals. This aloofness of organized religion from the problems and difficulties of social life has alienated the best and noblest spirits among the social reformers and has paralysed the influence which organized religion could and should have had in the social and political advancement of the world.

The artificial separation of law and religion is the root cause of much of the ills of Western civilization; for it has led to the unnatural division of life into two spheres: the religious and the secular. Gradually, not only the economic life of the individual but also the collective life of society, together with the political activity of the nations of the world, was abandoned as the rightful sphere of religion. In the economic field this has led to the exclusion of morality from economics and to the creation of what has been called the 'Economic Man' in contrast to the 'Moral Man.' Religion should embrace the whole of life in its personal, economic and social aspects; and wherever religion leaves a vacuum, paganism in old or modern garb creeps in. On the other hand, the aloofness of organized religion from the problems of social life has alienated the finest intellects among the social reformers, some of whom have turned violently anti-religious. In the economic field the separation of law and religion has resulted in a secularization of political thought. Religion, which ought to be the master interest of man, the keystone which holds together the social edifice, was reduced into a small compartment within life; religion was driven back into House of Worship; even God Himself was 'localized.'

For hundreds of years it has been customary to consider the unity of law and religion as a sign of primitive, and their divorce as a sign of advanced, civilization. This belief is one more of the popular fallacies which Charles Lamb could have added to his famous list. For the separation of law and religion is not only bad in its effect, it is philosophically and morally wrong in its original conception. It is simply not true that the legal and the spiritual are contrasts. On the contrary: law and religion belong as naturally together as do law and morality, which have also and as a corollary been artificially separated in the sphere of European civilization. The rule of the spirit in the affairs of man presupposes moral freedom, especially in its highest form, which religion calls 'holiness.' There can, however, be no moral freedom without

obedience to the law, which leads to self-sanctification. Only law can pour spirit into matter. Legality thus leads to morality, and morality again to holiness, the aim of all religions. In his essay on 'Law and Religion,'¹ Lord MacMillan, a distinguished lawyer and eminent judge, rightly points out that the apparent opposites of law and religion spring from a common origin in the human mind. 'They both alike share that mysterious word "ought," which is significant of so much that is distinctive of man's higher life and which ever reminds us that we owe to a power outside ourselves the obligation to obey the commands of duty, that "stern daughter of the voice of God." Religion after all means etymologically only something by which we are bound, which is also the root conception of law.'

The unhealthy split of life into religious and secular spheres, caused by the artificial separation of law and religion, found a penetrating exposition in the series of lectures delivered by Prof. R. H. Tawney at King's College, London, on 'Religious Thought and Social Questions.' These lectures made a profound impression and formed the basis of Tawney's famous book on *Religion and the Rise of Capitalism*.² This book remains an abiding classic, and is indispensable for all who are interested to know how it came about that organized religion lost its hold on the economic and political affairs of the world. Prof. Tawney gives an historical analysis of the various causes that led to what he calls the 'secularization of social and economic philosophy.' He deplores the destruction of the unity of life in modern society and the splitting up of life into departments of religious and secular activities. 'The synthesis is resolved into its elements—politics, business and spiritual exercises; each assumes a separate and independent vitality and obeys the laws of its own being. Thus has been created a truce which divides the life of mankind between religion and economic ambitions. The former takes as its province the individual soul, the latter the intercourse between man and his fellows in the activities of business and the affairs of society.' Tawney rightly sees the consequences of this splitting of life as catastrophic for European civilization; and he considers the wrong view that 'it is in the heart of the individual that religion has its throne and to externalize it in rules and institutions is to tarnish its purity and to degrade its appearance' to be the root cause of this development. It is here that Tawney comes nearest to the Jewish conception of the unity of religion, law and life, which has found such a wonderful exposition in Hirsch's *Horeb*.

The later series of publications which has an interesting bearing on our subject has as author Prof. John MacMurray, formerly of London

¹ See *Law and Other Things* (Cambridge University Press, 1937), pp. 55ff.

² First edition 1926, reprinted by Pelican Books, 1938.

University. In his book *Religion and Democracy*,¹ followed by a shorter work, *Through Chaos to Community*,² MacMurray comes to the same conclusions in the political field as are arrived at by Tawney in the sphere of economics—i.e., that the splitting up of life into religious and secular departments is a misfortune for the world. The so-called spirituality to which organized religion has been reduced is in MacMurray's view simply a high-sounding name for the refusal to allow religion to govern the practical life of the world. For the spiritual divorced from the material is a life of imagination, a world of phantasy. True religion must be a practical demand for a transformation of actual society, a purpose to be reached in the material life of this world. MacMurray, who evinces a remarkable insight into the essence of Jewish law and its social content, points out that the great issue of our time—and the issue that is least regarded—is how there can be produced throughout the whole world a common habit of daily life. This is, be it noted, a call to a return to the undiluted Hebrew tradition of the unity of religious and social life centred in the *halachah*; and what MacMurray calls a 'system of habitual action in the daily round of the common life' we Jews have long known as *mitzvah*.

I have dwelt on these modern views on the unity of religion, law and life, not for the sole purpose of adducing material in support of the traditional Jewish conception of religion as a theonomy. For the Torah, which is of Divine origin and represents therefore absolute truth, does not stand in need of the support of time-bound human philosophies which are here today and gone tomorrow. My object in citing these views is a twofold one. First, to sound a warning note against any attempt to interfere with the eternal truths of the Torah on account of outside ideologies, as was done by the Reformers of Hirsch's generation, who based their attack against Jewish laws upon the mistaken view of the contrast of the legal and the spiritual, which was in vogue in their day but which is being discarded in our own era; and secondly, to explain why there is now even in non-Orthodox circles a hankering after the traditional view of the unity of religion, law and life. At the International Conference of the World Union of Progressive Judaism held in London recently, the President-elect of that union is reported³ to have stated that 'the Reform movement was no longer certain that it had found in Prophetism alone a sure basis for Judaism, and that Reform was groping towards a new appreciation of the Jewish legal tradition.' Surely, the German-Jewish fathers of the Reform movement, who with their paulinistic, antinomian attitude towards Jewish

¹ Routledge, London, 1941.

² National Peace Council, London, 1944.

³ See *Jewish Chronicle* of 17th July, 1959.

law constantly harped on the alleged antithesis of 'Prophetism' and 'Legalism,' would never have thought it possible for such a statement to emanate from their spiritual heirs only two generations later. In the constantly changing Jewish scene one can never foretell the influence of world events on the development of the Jewish mind; and, therefore, one should never despair.

One thing is, however, certain: a revival of Jewish religious life can mean one thing only—a return to the *halachah*, which unfortunately is no longer the norm of life for the majority of present-day Jews. A hundred and fifty years ago, when the emancipation of the Jews began, a great historical mistake was made. Until then the majestic edifice of unabridged Judaism still stood erect. It was all to the good that the walls of the ghetto crumbled; but one of the greatest disasters in Jewish history was that with the wall of the ghetto there also crumbled the wall of the law, burying beneath its ruins a rich, deep and most beautiful religious life. When the *halachah* was deserted by the 'emancipated' Jews of Western Europe, its most beautiful flower withered away with it—creative spirituality.

Following Hirsch, I hesitate to use the word 'spirituality,' for it has been far too much abused by the so-called 'spiritual' religions, which have failed by neglecting the fact that the reality we call 'Man' consists of body and mind. In all his writings, Hirsch persistently stressed the fact that the laws of the Torah are addressed to man in his totality. The human body, Hirsch asserts again and again, is no less holy than the human soul and the human spirit. And, as our Sages expressed it, the Torah was not given to ministering angels, but to man. We have spoken before of the dualism of life and the sad split between its so-called religious and secular spheres, which has been caused by the mistaken philosophy of a 'spiritual' religion which neglected the realities of life. This dualism is even more pronounced in the life of the individual; and it can be overcome only by law, by the *mitzvah*, which is the bridge between body and soul. This thought runs like a golden thread through the whole of the *Horeb*. It has also been aptly expressed in the chapter 'The Holy Deed' of Eliezer Berkovits's book *God, Man and History*,¹ which in part, at least, was written obviously under the influence of Hirsch:

'The spiritual quality of both the worship and the service of God has been exalted too often. But such service applies only to one part of the human being; it underlines the religious impotence of the other. If the

¹ Jonathan David, New York, 1959. Unfortunately Berkovits has taken over from a bygone epoch the fallacious terminology of ritual and ethical laws in connection with the *mitzvot* of the Torah. This terminology, including Berkovits's attempt to lift up the so-called ritual laws into the ethical and religious sphere by describing them as an indirect method of ethical and religious discipline, is, I think, a weakness in an otherwise valuable book.

relationship to God is to be complete, it must engage man in his entirety. We can know nothing of the religion of a pure soul. Our task is to establish the religious reality of man. Since man is neither only soul nor only body, but both joined to each other, both these constituent elements within man must be related to God, each in a manner adequate to its own nature. On the level of the soul the relationship is spiritual and conscious, but it cannot be expressed in action; on the level of the organism, on the other hand, the relationship has to become "materialized" in action. These two expressions of the religious life are not meant to exist parallel to each other as the religion of the soul and as that of the body. The *mitzvah* is the union of the two . . . Through the *mitzvah* man overcomes the dualism of his nature in the God-oriented deed. In the *mitzvah* man is one and as a whole he relates himself to the One God.'

For the Jew, the unity of life, both individual and collective, is as important an axiom as the Unity of God. This conception of the unity of life—like the Unity of God—is the eternal glory of Israel and the only remedy for our sick world. With regard to the conquest by religious law of the dualism of body and soul, of matter and spirit, which exists in human life, it does not matter whether we think of man in general, who is subject to the Seven Noachide Laws, or of the Jew in particular, whose life is ruled by the Torah. Even the general humanitarian standards which make up the essence of the Noachide Laws as a general moral code for humanity are of little avail if they are not based on God, the Originator of that moral code. Secular humanism is a contradiction in itself, and cannot last. Without the safeguard of being rooted in God, it must in the end turn anti-human, as we have seen in our own day. However, it remains doubtful whether the stress on the material side in man's life, at the expense of the spiritual side, is in the long run more dangerous than the other extreme—that is, to stress the spiritual side at the expense of the material element in man, and thus conjure up a phantom which does not exist in this world. The suppressed biophysical side in man's organism has a terrible tendency to reassert itself by way of reaction. The pages of history are full of this sad reaction, which has found its expression in the totalitarian paganism of our own time. Man can lose himself to the spirit as well as to matter, and it seems that the events of the last fifty years have relegated the so-called 'purely spiritual' religions to the scrap-heap of history.

We have said before that a revival of a Jewish religious life is only possible by a return to the *halachah*, the God-given law. Some of those outside the sphere of *halachah* do not deny the great value of the *halachah* as a discipline in holiness and in the consecration of life to God. They maintain, however, that this holds good only for those Jews who believe in the Divine origin of the Torah and its *mitzvot*, and not for those

who have lost or have never held that belief. All those, however, who argue in this way are the unconscious victims of a vicious circle. For conscientious observance of Israel's religious laws leads to the inner conviction that they are the laws of God, just as non-observance of these laws leads to the stifling of that conviction. The non-observant Jew of today maintains that he does not observe because he does not believe; in reality, however, he does not believe because he does not observe. Observance issues in belief. And this is true not only in the religious sphere. The words of John Ruskin concerning those who do not understand the principles of a just political economy apply—*mutatis mutandis*—also to religious laws. 'They seem, many of them, disagreeable in their practical requirements, and people pretend that they cannot understand them because they are unwilling to obey them; or, rather, by habitual disobedience destroy their capacity of understanding them.'¹ This in reality is an application of the age-old Jewish principle of **ונעשה ונשמע**.

It is exactly 125 years now since Abraham Geiger wrote amid the almost general acclaim of Westernized Jewry: 'We must get rid of the Talmud.' And yet in our own days we witness a great revival of Talmudical studies in the many *yeshivoth* which have sprung up in Israel, England, the United States and the Continent of Western Europe.²

This revival of Talmudical studies in our time augurs well for the return of our people to the *halachah* as the guiding rule in their lives. It is true that during the 150 years which have elapsed since the emancipation of Western Jewry the daily existence of the majority of Jewry has no longer been governed by the *halachah*. However, 3,000 years of education in the moral and philosophical discipline of Jewish law cannot have been in vain. And what are 150 years of estrangement compared with 3,000 years of loyalty? There is good ground for the hope that our people—both in Israel and in the Diaspora—will turn its back on the wrong kind of emancipation, which is based on disloyalty,

¹ See John Ruskin, *The Political Economy of Art*, Preface.

² Of the Gateshead *Yeshivah*, the well-known American-Jewish author Harry Simonhoff has written in his book *Under Strange Skies* (Philosophical Library, New York, 1953):

'In this English Volozhin, slight young men sit on hard benches, swaying over tomes of the Talmud, the Midrash, the Tosafists. Beards are sprouting on some of their pale, clear complexions. But they speak in the native Yorkshire vernacular. Here is a genuine old-world yeshivah taking root on English soil.

'I left the school in a taxi . . . The taxi stopped, and the driver said, "Sir, this is the Roman Wall." I got out to inspect the ruins of the wall which Hadrian built between Newcastle and Carlisle to keep the barbarous Picts and Scots out of Britain. It suddenly occurred to me that this was the Hadrian who crushed Bar Kochba and had Akiba flayed alive for teaching Judaism, which was forbidden by imperial decree. The Romans are gone for ever. Hadrian's proud wall is a series of broken mounds. But nearby the English yeshivah bachurim are keeping alive the ethos of Gamaliel and Akiba.'

and will start on the way of true emancipation, which is based on loyalty to God and His law. On this way back to the *halachah* there is no clearer signpost than the *Horeb* of Samson Raphael Hirsch.

CONCLUSION

To the thoughtful and believing Jew, the value of Hirsch's work lies in the clarity and force of his exposition of Judaism no less than in the absoluteness and certainty of his religious convictions. While the medium of his exposition was, in the nature of things, largely determined by the requirements of his age and environment, the passage of time has not deprived his religious philosophy of any of its validity. Likewise, the followers of Hirsch do not rely for their admiration of him upon the discomfiture of his detractors or upon the historical vindication of his principal theses. It is, however, a noteworthy irony that the grounds advanced by his critics in his own lifetime are now increasingly doubted and disputed. The relevance and indeed indispensability of law to religion, and the need for historicism and authentic tradition in the formulation of a living faith, are ever more widely acknowledged. To the Jew, these considerations are irretrievably linked to the postulate of the Divine Lawgiver Who has provided for him a code of behaviour and a pattern for living of eternal validity as set out in the Torah. Neither formalism nor mere legalism darkened Hirsch's counsels; for, while accepting the prescribed observances as obligatory and the laws of the Torah as binding, from beginning to end he was also concerned to reveal the inner meaning of the observances and the inherent values of the laws. Obscurantism played no part in his system. And yet this fighter for Judaism was a true universalist, who conceived the duty of the Jew to the Almighty as including a rôle in the Divine beneficent design for all mankind.

The situation which confronted Hirsch when he wrote the *Horeb*—namely, the disarray and confusion inevitably accompanying the Enlightenment and the Emancipation, has not departed from the Jewish scene. It is more intense than ever before. If his age needed his work, Jewry today stands in need of it even more urgently. The consequences of extracting and discarding from the body of Jewish law such features as appeared incompatible with successive and transient intellectual notions are unhappily all too visible. The unity of law and religion in Judaism was disastrously breached, and a maimed Judaism was in some quarters expected to withstand the pressures of a new age. The very principles upon which the old Judaism was castigated acted as a further and unceasing corrosive of what remained. The chaos wrought by uninstructed personal choice and over-confident and ever-changing

assumptions was and is an enervating factor in Jewish life. It is an overwhelmingly tragic reflection that the civilization upon which many Jews rested their hopes and by whose canons they sought to justify and extol their reforms and predilections soon collapsed about them and their children in the very land where the Enlightenment reached its zenith. But Judaism outlived the catastrophe. Hirsch's contribution to its strength to survive was great and continuous. His influence lives on in generations and in lands and languages far removed from his study. His influence grows. In Israel, in the English-speaking world and elsewhere, Jewish scholars and laymen are fortified by his writings and Jewish life is given added security by his work. His ancient lesson, ever new, is the indivisibility of the Torah as the expressed will of God. His scientific exploration of the meaning and purpose of its injunctions remains unique and, to those who are prepared to open themselves to its influence, is as inspiring today as it was one hundred and twenty-five years ago.

טוב טעם ודעת למדוי כי במצותיך האמנותי (תהלים, קיט, ס"ו).

I. GRUNFELD

LETTER

FROM S. R. HIRSCH TO HIS FRIEND Z. H. MAY IN HAMBURG,
SETTING OUT HIS PLAN FOR THE HOREB.¹

My dear friend and cousin,

My sincerest thanks for your kind endeavours. Enclosed you will find the manuscript. A little is still unfinished and then I have to complete the sixth part of the work, which contains an exposition of the Divine Service, so that about twelve to fourteen sheets are still to come. I should like to see the *Horeb* appear in one volume so that what is one in concept should also appear as one in expression. For the dividing up of our duties into various compartments has done great harm in the minds of people. One could write a whole treatise on the damage which has been done and is still being done by the fact that the שלחן ערוך did not appear from the very beginning in one volume. That is how it came about that many a person has thought and still thinks that he is a perfect Jew if he merely observes the laws of the אורח חיים, because usually only that part of the שלחן ערוך got into people's hands. A good deal in יורה דעה and even more in חשן המשפט and אבן העזר was neglected.

My work could perhaps first be published in brochure form, in six instalments, which might make the purchase easier. However, if the publishers do not want to accept the risk of printing the whole work at once, it could perhaps appear in three volumes, each of which would contain two sections. In that case the publishers could make a start with the first volume, which would cover 131 pages of my manuscript.

This book bearing the title *Horeb* represents an independent work; and only after the eventual appearance of the book called *Moriah* will the *Horeb* form its second part. Hence the double title.² The first part of *Moriah* is intended א"י to present the theoretical foundation of the Bible's teachings on God, the universe, man and Israel, whereas this second part, *Horeb*, tries to describe Israel's duties in practical life. The plan is simple. For every duty I quote the relevant passages of the Torah; then I develop a general concept of the duty and try to bring it near the

¹ This letter, now published for the first time, is one of the few letters of Hirsch's which are still extant in the original. It is in the possession of a great-grandson of Samson Raphael Hirsch, Prof. Julius Hirsch, of Basle, Switzerland, who kindly put this important document at my disposal.

This letter is of considerable historical interest. It not only shows the frame of mind of the young thinker Hirsch, but contains a revealing description of the intellectual and religious background of his time. In order to appreciate fully its meaning and significance, it should be read together with letters 1, 17, and 18 of Hirsch's *Nineteen Letters* and his Foreword to the *Horeb*.

² The first edition of the *Horeb* (Altona, Johann Friedrich Hammerich, 1837) contains two title-pages, the first of which has the heading 'Moriah and Horeb.' 'Horeb' was supposed to be the second part of the whole work. The first part, 'Moriah,' however, never appeared. Further on this point, see my Introduction to the English edition of the *Horeb*.

heart of the reader, all in accordance with views at which I have arrived as a result of the study of Torah and Talmud in the course of a number of years; finally, I shall include excerpts from the four parts of the *Shulchan Aruch* as a guide for practical observance. The general conceptions of the *mitzvot* which I am presenting in the *Horeb* contain all the elements of a scientific foundation for the study of the Talmud, a detailed presentation of which I shall leave for a later time.

As regards the purpose of the present work, you seem to have grasped it well from the very outset. I must admit that I have tried to walk in paths which have not been trodden for three to four centuries. I am prepared for rebuke, bitter rebuke, and even abuse. I am not expecting approval or fame—although I never attack real or imaginary persons. In fact, I do not attack at all, only compile, develop, point a way and seek truth; where I think I have found it, I try to bring it home to my readers. Generally, I only try to think aloud and ahead and I should feel rewarded if people did not disdain to follow my thoughts. But there are people who almost consider it an impertinence that in 1835 one is still exhorted to think about certain matters. Such people will reproach me bitterly, because they are being disturbed in their calm. However, these people do not belong to the trend of thought of our century; they are out of date and relics of the last decades of the previous century. In the last fifty years it has been clearly noticeable that trends of thought only enter Jewish circles when they have already become obsolete elsewhere.¹ Our century wants to think, and that is its greatest merit. Whatever can be rationally explained and is capable of being presented as idea and concept and can stand the test of rational thinking, has nothing to fear. But one can only analyse, test and meditate upon things with which one is acquainted. Among Jews, however, nothing is less well known than Judaism itself. I dare to submit Judaism as it appears to me to intellectual analysis; I shall perhaps be blamed for it from all sides. But just because of that I must not and will not be silent. If I knew of even one person more capable than myself of pleading the true cause of Israel, my incapable and inexperienced pen would have rested for a long time yet. As it is, however, I see an older generation in which Judaism has become an inherited mummy; a generation which shows

¹ Hirsch refers here to the Reformers of his time, who, when studying Judaism, looked at it as it 'ought to be' from their preconceived point of view and with the aim of 'modernizing' it, instead of investigating the sources of Judaism as given phenomena. Rather than applying the objective method of sound science, which examines given facts (natural or legal), the Reformers used the discarded method of speculative philosophy of the pre-scientific era, which construed *a priori* that which is above all a subject of observation. Thus the Reformers failed to investigate Judaism objectively and conceived *a priori* theories about it which suited their own predilections. See further on this point S. A. Hirsch, 'Jewish Philosophy of Religion and Samson Raphael Hirsch,' in *A Book of Essays* (London, 1905), p. 190, and I. Grunfeld, 'S. R. Hirsch—The Man and his Mission,' in *Judaism Eternal* (London, 1956), Vol. I, p. xxxvi.

veneration for Judaism, it is true, but a veneration without spirit; some of that generation, therefore, see only tombstone inscriptions in Judaism and thus despair of the eternal validity of the only thing that makes life worth living. On the other hand, I see a younger generation aglow with noble enthusiasm for Judaism—or rather for Jews. These young men do not know authentic Judaism, and what they believe they know of it they consider as empty forms without meaning. One must admit, however, that this ignorance is not entirely their fault; and thus the young generation is in danger of undermining Judaism while striving for Jews. I see no one in our day capable of disclosing to the young generation the meaning behind what they wrongly consider as empty forms, of reviving the mummy and of taking our young generation to a vantage point from which they can behold the shining light of Judaism. And in such conditions should we condone a dreamy, inactive silence? No; it is a duty to speak out if one is able only to hint at a route which others might valiantly follow. I must speak, simply because no one else does so; this is the only justification for my coming forward. God will help me.

I do not ask for the prize of battle. I shall be happy to be merely the herald who utters the battle-cry. But I am not afraid of the battle, even if I have to fight it on my own. You regret that I have no reputation, that my name is unknown. Nevertheless, I shall publish the book under my name, but only because in the view of many people a cause for which one does not even stake one's name cannot have much value.

I am glad, however, that I am without fame and reputation; for it is not a matter of arguing with the backing of shining authority, but simply a matter of presenting the truth, which will fight for itself. If anything I say finds praise and recognition, let the cause gain by it; if anything arouses indignation, I am prepared to accept the blame myself. In this way there is less danger of harming the cause which I would like to serve; it was indeed this fear which made me hesitate until now.

To publish these essays first and now is in reality contrary to my original plan. The weakest feature in Israel's present parlous condition is in respect of Jewish scholarship, the way in which Bible, Talmud and Midrash have been studied for the last hundred years. We are now paying dearly for this mistaken method of Torah-study. Because life has long since been banished from the study of the Torah, the Torah has been banished from life.¹

¹ As can be seen from the *Nineteen Letters* (letters 1, 17 and especially 18), Hirsch refers here to the excessive application of the dialectical method in the study of the Talmud, known as *pilpul* or *chilluk*. This system of study was elaborated by Rabbi Jacob Pollack (1460–1530).

No legal thinking, least of all Talmudical thinking, can entirely dispense with the dialectical method, provided it is compatible with clear and plain logical reasoning. As

My earliest intention was to concentrate on the science of the Torah and the study of *Tenach*, Talmud, etc., and to further Torah-study and work for it. As the fruit of these labours I contemplated essays like the present ones; this course would have been quieter and more enjoyable for me. But then I accepted Rabbinical office and I saw how the whole spirit of Judaism has departed from our everyday life. I am in charge of a few hundred young souls; I have to provide teachers for them, of whom I have to ask that they introduce our youth into Judaism. But I cannot ask that of the teachers, because they themselves do not know what Judaism really means, and one cannot even blame them for their ignorance. Moreover, there is no text-book available which I could give them for guidance.

It was these circumstances which pressed the pen into my hand and made me write these essays, which had to be written in the first instance not for science but for life, so that Jewish teachers could first gain for themselves a true picture of Judaism. They must first become Jews themselves before they can successfully make Jews of others. Thus, the

long as the system of *pilpul* keeps within these natural limits, it fulfils a useful purpose in Talmudical training. As soon, however, as it becomes mere 'logic-chopping' and indulges in dialectics for dialectics' sake, without proper consideration for sane reasoning, the true meaning of the Talmudical text (*Peshat*) and above all the demands of practical *halachah*, it presents a danger to Jewish thought and life. This is what Hirsch intended to point out in the above passage, on which he elaborated more fully in his *Nineteen Letters*. Nor was Hirsch the only figure in Jewish literary history to utter a warning against this danger of exaggerated dialectics in the study of the Talmud. Thus, Isaiah Hurwitz (1570–1630), the famous Talmudist and Kabbalist, author of the *Sh'nei Luchoth Ha-Brith* (*Shelah*), opposed in that work the excessive application of the pilpulistic method. So did Liwa ben Bezalel (1512–1609), known as *Maharal* or the Great Rabbi Loeb of Prague, in his works *Tifereth Yisrael* and *Netiveth Olam*. The same attitude was taken by Elijah ben Solomon, known as the Gaon of Vilna (1720–97), and his disciple and collaborator, Rabbi Haim ben Isaac of Volozhin (1749–1821), who is known in Jewish history as the founder of the famous *Yeshivah* bearing his name. These great men and their disciples, while zealously preserving and deepening the characteristic method of Talmudical thinking, rejected the exaggerated pilpulistic method in favour of sound and sane reasoning.

In addition to handing down the traditional *halachah* unimpaired, the aim of classical Talmudical thinking has always been to elucidate the fundamental halachic conceptions and to demonstrate the inner connection and inseparable unity of Written and Oral Law. For this aim, conceptual thinking is at least as important as, if not more important than, dialectical thinking. This view, indicated in the present letter, was often stressed by Hirsch in his later writings, and was practically demonstrated in his famous *Commentary on the Torah*. In that *Commentary* there appears before our eyes the inseparable unity of Written and Oral Law as expounded in the halachic or Tanna'itic Midrashim (*Mechilta*, *Sifra* and *Sifré*), the Mishnah, the *Toseftha*, the Babylonian and Palestinian Talmud, and generally in the corpus of our halachic and Midrashic literature; and we are shown how the entire spiritual and legal edifice of the Jewish *Weltanschauung* and the Jewish way of life in its grand design and ethical purity arises out of the text of the Written Law, inseparably joined to the vast body of Oral Law by means of the hermeneutic rules of halachic interpretation (מדות שחתורה גורשת בהם).

[See also Raphael Breuer, 'Von der Eigenart des talmudischen Denkens,' in *Nachlath Zvi*, Vol. VI (1935–36), and Abraham Elijah Kaplan, צדקו ודרכו בבלי, in *Wohlgemuth's Jeschurun*, Vol. XI (1924).]

Letter from S. R. Hirsch to his friend Z. H. May

Horeb is written also for all those who want to know what it means to be a Jew and what Judaism demands of them.

If these essays are not a complete failure, I shall then endeavour to do something for the study of the Talmud. The book *Moriah*, however, which will contain the fruit of my own study of the *Tenach*, is intended to present a general conception of the essence of Jewish nationhood.

I shall be happy if Lester¹ accepts the manuscript for publication. I know that, because of the size and the contents of this book, it will be hard to find a publisher. I have already submitted the manuscript to Vierweg,¹ in Braunschweig, but have not yet come to an agreement with him. He asks me to obtain private subscriptions for the work, the merits of which he says he is unable to judge.² The cost of the publication he estimates at about 400 fl., which would mean 1½ fl. per copy. If I could find 266 subscribers the expenses for the publication could be covered. But I cannot do it that way. I enclose the publisher's letter so that you will be in a better position to judge Lester's proposals. Please return his letter with the manuscript.

Now I have kept you already far too long with my letter, about a work which may never see the light of day or which may be a failure. One more request. Try, if you can, to get Lester's decision as soon as possible, and then return the manuscript to me. I have other pressing work to do. Moreover, I have still to complete the sixth section of the *Horeb*; then I have to copy the whole work ready for the printer, and the text still needs brushing up here and there.

Forgive me, dear friend, for the long epistle, and all the trouble. Keep well, together with all your and our beloved ones, and may you and they spend the festival joyfully.

With kindest regards
from your friend,
SAMSON.

P.S.—For clarity's sake I have added a table of contents to the manuscript. Regards again to all of you from myself and family.

Oldenburg, 13th April, 1835.

¹ Name of a publisher.

² The publisher was a non-Jew.

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FOREWORD

The subject of these essays is given in the title¹ as 'duties'—the duties of Israel. In Jewish parlance duties in general are designated *Mitzvoth*, an expression which immediately indicates what constitutes duty for Judaism and what the basis is on which all our duties rest. It is commandment, the command of God, that constitutes duty for the Israelite, and the will of God that is the sole basis of all our duties. And should any other basis for any duty be possible for the whole of mankind? Ought the idea of 'duty' to be conceivable without the idea of 'God's will'? Duty determines our activity. But everything which appertains to activity—our personality, our intellectual capacity and physical powers, and the world which surrounds them and provides them with objects and means—belongs only to the One and Only God. Who then can have the disposal of all this except God alone? Whose orders ought we then to follow except His? And if this remark applies to mankind in general, with how much more force must it apply to Israel. For Israel looks to God as its Creator in a double sense, being His creature not only by virtue of the place which it occupies in the universe, but also of the place which it occupies in human society. God's command therefore constitutes duty for us, and God's will is the only basis on which our obligation rests. And this is true not alone of those duties which have been handed down to us orally or in writing as the direct command of God. It is true also in respect of those duties which devolve upon us as a consequence of the ordinances with which the legal authorities charged by God to keep watch over the observance of the law surrounded the law as with a fence in order to protect it and promote its observance. It is God's will that we should render obedience to the prescriptions of our Sages; hence it is that we preface the performance of these precepts also with the recital: *ברוך אתה ה' א' מלך* . . . *העולם אשר קדשנו במצותיו וצונו* . . . 'Blessed art Thou, O Lord our God, King of the universe, Who hast sanctified us by Thy commandments and given us command concerning, etc.'

Even, therefore, if every Divine precept were a riddle to us and presented us with a thousand unsolved and insoluble problems, the obligatory character of the commandments would not in the slightest degree be impaired by this. Whatever command or prohibition of God it may be that prompts one to ask why one should do this and not do that, there is but one and the same answer: Because it is the will of God, and it is your duty to be the servant of God with all your powers and resources and with every breath of your life. This answer is not only adequate; it is essentially the only one possible, and it would

¹ See Editor's Introduction, pp. xxx and xxxvi.

remain so if we were ourselves able to penetrate into the reason for every commandment, or if God Himself had disclosed to us the reasons for His commandments. We should have to perform them, not because there was such-and-such a reason for any commandment, but because God had ordained it. How else could we be servants of God or belong to God? We have commands and prohibitions in the form in which God prescribed them to the community of Jacob and made them known to it in both oral and written transmission. We also have the regulations of the Sages with which they discharged their God-imposed duty of guarding the law and protecting its observance. The Jew who sincerely carries out and observes both these kinds of commandment with the simple idea, which everyone can grasp, that he is thereby performing God's will and so fulfilling his vocation as a man and an Israelite, is, in the complete sense of the term, a Jew and a servant of God, even though he has never unravelled the significance or perceived the connection of the parts of any one of all the Divine commandments. Such a Jew has attained to the highest bliss of earthly life. For the man of pure heart there is no higher or more holy consciousness than that of having fulfilled the Divine will.

If, therefore, the Torah itself repeatedly calls upon us to study the law unceasingly and to absorb it to such a degree that it becomes our wisdom and understanding in the conduct of our life, this cannot mean that we should use the intellectual faculties granted to us by God to examine the law of God merely with the idea of making our recognition of its binding force and our acceptance of our duty to fulfil it dependent on the result of such examination. If we did that, we should make the law nullify itself. No; the recognition of this power and the acceptance of this obligation must be awake in us immediately after we have heard the Divine utterance. We must, indeed, bring the recognition and the acceptance with us to the hearing, like our ancestors at Sinai, who before they had heard the contents of the Divine law declared their acceptance of the obligation to fulfil it, in the profound conviction that they had no other purpose in life than to fulfil the will of God.

Since, then, the laws of God lie before us, our study of them can have only two objects. The first is to make ourselves so familiar with the whole content and range of the Divine commandments and regulations that we know what in actual life we must do or avoid with all the strength and means bestowed on us; that is to say, we must first know what God demands of us. The second object is to survey the Divine laws themselves in relationship with one another and the conditions governed by them, to bring them as far as possible within the range of human comprehension, to arrange them in order, to weigh the consequences of their observance or non-observance in practical life, and by deep reflection to trace the wisdom of God in His *word* as by observation we

Foreword

trace it in His *work*. Thus may our mind be so enlightened through God's word as to obtain a clearer insight into the meaning of the world and of our life in it, and our heart be joyfully enlarged so as to cling to God and His word with ever greater satisfaction and contentment. Such study will equip us to perform our paramount duty, which is to strive for the fulfilment of God's word in our actual life. 'The precepts of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes' (Psalm xix, 9).

Such meditation over the Divine precepts is particularly required in the case of those commands—most of them expressly stated, though some are derivative—the object of which is in part to awaken in us certain trains of thought; those, that is to say, which prescribe for us a certain course of action in order that certain truths may thereby be given expression. In performing such commands we shall feel ourselves called upon to look for the relation in which the outward action prescribed for us stands to the thought which is to be expressed, and equally to consider and ponder on this thought in all its scope and consequences. Such commands are those especially which we have thought it right to group under the heading of *Edoth*. In the performance of these commands this deeper penetration into their significance and the interrelation of all their parts might well be regarded as an essential requirement and as adding not a little to their proper fulfilment. For in view of their particular character these commands demand reflection, and reflection along definite lines of thought—much more than is the case with other sections of the law. But the question, 'Why should I perform the commands of the Torah?' can never wait for an answer to be provided by your inquiries. You can never raise the question, 'Am I then under an obligation to perform this commandment?' without thereby excluding yourself from the pale of Judaism; for with every such question you deny the Divine origin of the commandment concerned. Within the circle of Judaism the Divine law must be the soil out of which your intellectual and spiritual life is to grow, not *vice versa*: you must not from your intellectual and spiritual life produce the basis on which to establish a Divine law.

There will accordingly be two schools of study engaged in the exposition of the Divine law, differing only in the sources from which they draw their knowledge of it. One school will concern itself with the comprehension of the utterances regulating our practical conduct in and for themselves, and of the lessons—equally concerned with practice—which can be derived from those utterances; and its knowledge will be derived almost exclusively from the tradition which transmits the oral and written Divine utterances and the regulations of the Sages. The other school will concern itself with reflecting and pondering on these laws, and its source of knowledge will be the more

or less illuminating power of insight which dwells in each individual religious thinker. The work of the first school lies before us in the *שמעתיא* made up of things heard (*שמע*). The work of the second we find in the *אגדתא*¹ made up of the ideas which have occurred to each one, of what each one has related (*הגיד*). Everything belonging to the first school is obligatory, because it emanates from the authority which has power to bind. All that springs from the second school has no power to bind, because it represents only the views of individuals, and can claim recognition only in so far as it is in conformity with what is contained in the work of the first school. The work of the first school, from the very nature of its contents, came to an end with the completion of the Gemara, the collection of the *שמעתיא*. The production of *אגדתא* is, however, free and capable of enlargement at all times. It is all the freer the more firmly established and self-contained the work is of the first school and the less the first school is exposed to any change from the second. The first school should rather serve as a standard regulating the second.

Because in the sphere of knowledge of the law everything rests on traditional principles peculiar to this sphere, and no individual view on the significance of or reason for a law can have any binding force, a greater measure of freedom has therefore been given to every individual mind to work out and form such views according to the thinker's own will. As a result, we possess a collection of the most diverse views of men of the highest gifts from the earliest times down to our own day. Nevertheless, the cautious thinker will find guidance for himself in the legal tradition itself. He will, before he begins to meditate on a law, obtain for himself a general idea of the law in all its parts from the *שמעתיא*. He will seek justification for his view only in its agreement with the content of the law, since true knowledge demands that any view of his regarding a law should be rejected where the content of the law itself testifies against it. In a word, if *שמעתיא* is the binding authority for our conduct, it must be the scientific touchstone of every *אגדתא* which has a law for its theme. The more closely a view regarding any law corresponds to the component parts of the law as presented to us by the *שמעתיא* (especially if it can be represented as embodying the basic idea through which all the details of the law can be co-ordinated), the more nearly it is allied to the basic legal ideas which can be evolved from the discussions on the *שמעתיא*, the more will such a view commend itself to us. And we, in these later generations, so far removed in time from the origin and early tradition of the law, must welcome the confirmation of any of our own views which show agreement with

¹ On the significance of the fundamental terms *שמעתיא* and *אגדתא* in the Talmud cf. the following passages: *Erubin* 9b, *Kiddushin* 50b, *Berachoth* 33a, *Sotah* 21a, *Sanhedrin* 38b, *Niddah* 14a, *Erubin* 65a, *Berachoth* 42a, *Baba Kamra* 60b. Generally speaking, the terms *שמעתיא* and *אגדתא* are identical with the terms *halachah* and *aggadah*.—*Id.* Note.

Foreword

those of our Sages, who were so much nearer to the origin and the early tradition and whose individual opinions have been transmitted to us in what is called **אגדה**.

This, then, is the standpoint from which I should like these essays to be considered; for this is the standpoint from which they sprang. They contain these two elements, the **שמעתיא** and the **אגדה**—the former in the Scriptural passages and legal dicta quoted, the latter in the views expressed regarding them. The latter section represents the more characteristic contribution which these essays are intended to offer. The legal excerpts, which are of the most general character, and aim not so much at answering *she'eloth* as at evoking them, are meant to prepare the reader for the performance of the law in actual life, at the same time bringing in numerous ideas by which the practice of the commandments should be accompanied. But wherever a personal opinion either wholly or in part is likely to conflict with a legal dictum, the opinion must give way to the dictum, not *vice versa*; for the law as transmitted by tradition can alone set the standard for an idea about the law, not the reverse; the idea cannot dominate the law to the extent of altering it, for by the very fact that the idea about a law conflicted with the content of the law it would show itself to be wholly or partly mistaken; it would at the very least show that when the thinker first conceived the idea it was not the law in its entirety that hovered before his eyes, or that his mental powers did not enable him to comprehend the interrelation of all the parts of the law concerned.

In selecting extracts from legal sources I have confined myself almost exclusively to the *Shulchan Aruch* with the *Ba'er Hetev*, which is in almost everybody's hands, without citing later authorities. The views of my own which I have added occurred to me during my study of **שמעתיא** and **אגדה**. After all that I have said, I could have no other guide for my selection from the various views before me, or for propounding one of my own, than the traditional form of the law itself, the basic ideas which underlie the discussions of our Sages on it, and, next to these, the aggadic views propounded by our Sages themselves. I strove always to keep these rules sedulously before my eyes, so far as my feeble understanding and the limited range of my knowledge allowed. Therefore, where I could find no other acceptable view, I did not shrink from putting forward my own, since I was not concerned either with finding a reason for a legal dictum or with giving a legal decision, but was confining myself to the realm of *aggadah*, which, by allowing greater scope to personal reflection, suggests views which cannot and must not force themselves on anyone as authoritative, and can claim acceptance only on the ground of their inherent probability and their conformity with the prescriptions of the law with which they are concerned and from which they are derived. The reader may be assured

that my adoption of these views has not been governed by mere caprice and fantasy. The proof of this, however, as also the question of how far my views are scientifically sound from the point of view mentioned above and what value they may have for a further scientific study of the שמעחחא and the אנדחא—these I reserve for special treatises in which, please God, I shall examine the whole again with reference to the sources,¹ and in which I hope to be able to the best of my ability to correct mistakes and inaccuracies from which these chapters will certainly not be free. In these chapters themselves, however, everything unconnected with actual practice must be dispensed with, and with it all corroboration by reference to sources and quotation of passages, since these pages are meant for perusal by the widest possible circle of readers, and for them such an accumulation of quotations would represent a hardly profitable enlargement of the book, which has already grown too big; and in most cases, too, a mere quotation would not have sufficed. For similar reasons, where a certain view has been expressed in an *aggadah* figuratively, I have given only the idea without the figure in which it is clothed.

Any reader acquainted with the subject will be aware that the method of presentation must vary with the different classes of precepts. Thus in *Toroth* the task was to give practical application to principles of conduct already recognized; in *Edoth*, to translate 'signs' into ideas and symbolical practices into words; in *Mishpatim*, *Chukim* and *Mitzvoth*, to elicit from the halachic discussions their basic ideas and to set forth the most important details of the precepts; in *Avodah*, to expound the true meaning of Divine Service and of the prayers in general, and to describe the individual prayers and forms of Service; everywhere, however, in greater or lesser degree, according to what the subject seemed to require for the class of readers to which this book is addressed, to call for the fulfilment of the religious duties in actual life, to point to the consequences of their observance or non-observance, and to plead with my readers for the fulfilment of the Divine commandments.

I have tried to make each chapter as far as possible a self-contained whole; for in a book like this, which is not meant for a single continuous perusal but aims rather at being a *vade mecum* to be consulted in the various situations when problems of religious law arise, I thought I should best meet the wishes of the reader if in each chapter I could give a complete treatment of its particular subject. Some repetition which has in consequence become necessary will therefore be deemed excusable or even useful.

From what has been said above, it will be clear that not a single line of this work has been written with the object of trying to defend the

¹ The results of this re-examination are contained in the later writings of the author, especially in his *Commentary on the Pentateuch*. (Note to the Second Edition.)

Divine commandments, since the very thought of such an attempt would appear to me as a denial of their Divine origin, and consequently as lying outside the pale of Judaism. My object was not to inquire why these commandments devolve upon us, but to describe what they are and to set down the ideas to which I was led by reflecting on them and which it seemed to me could be of advantage for their actual performance, and similarly, where it seemed to me suitable, to make an appeal for such performance. This was the attempt I wished to make, and I ventured to lay my essays before my brethren and sisters because the time seemed to demand something of the kind. If therefore, dear reader, you look to my book for a defence of the Divine commandments in the face of your inclinations, views and prepossessions; if you take it up in the attitude of a judge in order to hear as from the mouth of an advocate the arguments for and against in regard to what is most sacred to us in life; in order to decide accordingly whether to accept or not to accept the Divine commandments—then, dear reader, leave my book unread, it was not written for you. But if you attach some value to the obligations which the name of Jew lays upon you; if you feel intensely that, with all that you are and with all that you have or will have, your one mission in life is to serve the One God, and that you have no other purpose but with every breath to spend your life in His service; if you therefore feel an urgent need to acquaint yourself with the scope and content of the commandments in which God reveals to you how He wills you to employ your body, your mind and your heart, in enjoyment, in speech and in action—if then you would welcome an attempt to translate the symbolical observances which you perform in obedience to the command of your God into words which appeal to your heart and mind; if you will not object to some words of admonition which will recur to you at various critical moments of your life, reminding you of your duty, urging you to perform it, and calling to your attention the God Who requires it and the consequences of performing or neglecting it—words which aim at assisting you to overcome the obstacles which passion and folly raise within you and outside of you between your recognition of your duty and its fulfilment—then, dear reader, do not push my book aside; perhaps, in spite of all its imperfections and defects, there is after all some profit in it for you.

Finally, let me beg the reader not to take these essays for anything but what they are and what alone they can be and seek to be—essays by one of slender gifts on the holiest and most important subjects that can occupy our thoughts. If, further, I have ventured to call attention to certain deficiencies and wants of the time—the reason being that it appeared to me a duty to do so even though one could do nothing more than just call attention to them—I am still far from thinking that

these essays or that any words of mine fill the gap; I know only too well the magnitude of the subject and my own limitations. And in any case, only a fool would imagine that it is granted to him as an individual to stand in the breach which only the hands of God can close. But even a greater fool is he who, because he cannot do everything, would attempt nothing, and because he is not rich in everything would not exert himself to lay even the poorest contribution on the altar of his people.

It is only essays which I venture to offer, not a complete treatise. I shall be happy if here and there someone more gifted than I am finds a thought which he considers worth pursuing, taking up the work at the point where my powers come to an end. I shall be happy if but one of the noble sons and daughters of my people is prompted by my book to break away from the currents of the present age and take refuge with that which alone is permanent in a fluctuating world—namely, with God and His word. I shall be happy if anything erroneous or false attaching to my work is recognized as such, so that it does not help to increase the total of error and falsehood in the world; but I shall also be happy if it contains something true and pure which He in Whose hands rest the religious affairs of Israel would not disdain to reckon as but a small contribution to the joyous upbuilding of the Holy of Holies in Israel. To have carried even one stone to the mighty structure, to have contributed one drop of oil to the lamp of the Sanctuary—who would not find in this his abundant reward!

SAMSON RAPHAEL HIRSCH

Oldenburg, Marcheshvan, 5597/1837

Section I

T O R O T H

תּוֹרוֹת

*Fundamental principles relating to
mental and spiritual preparation for life*

In his *אנרות צפון*—*Nineteen Letters on Judaism* (Altona, 1836, p. 52; Fourth Edition, Frankfort, 1911, p. 57; English edition translated by B. Drachman, New York, 1899, p. 103) S. R. Hirsch defines *toroth* as follows: 'Instructions or doctrines. The historically revealed ideas concerning God, the world, the mission of humanity and of Israel, not as mere doctrines of faith or science, but as principles to be acknowledged by mind and heart, and realized in life.'—*Ed. Note.*

THE SOVEREIGNTY OF GOD

קבלת עול מלכות שמים

*I am the Lord thy God, who brought thee out of the land of Egypt,
out of the house of bondage.* EXOD. XX, 2.

Life as lived should be the flower of knowledge; but in order that life 1
may blossom out of knowledge, knowledge alone is not enough. The
knowledge with which you have enriched your mind must be applied
to *yourself*; you must recognize what you know as appertaining to you;
you must transfer it from the mind to the heart, which decides your
course of action; it must penetrate you through and through, it must
become part of yourself. Then only will it become the basis of your
activity. It will become your life.

So also with the highest of all concepts—God. Your idea of God may 2
be something more than the mere result of a chain of reasoning pursued
in total abstraction from the outside world. You may have beheld God
directly in Nature or perceived Him in history. Holy Writ may have
spoken to you as it did to generations before you in its God-revealing
narratives. But you may have grasped all this only with your mind and
stored it in your memory. This is not enough. So long as you do not
receive God into your heart as *your* God, and embrace Him with your
whole being as your God, so long as this concept is a mere denizen of
your brain, so long will this sovereign idea be without influence on
your actual life.

You may, again, recognize the world as the temple of God's omni-
potence, without, however, feeling that every spot on which *you* tread
in this temple is hallowed to God. You may recognize in the multitude
of created beings a great concourse of the servants of God, without,
however, regarding and feeling *yourself* as also a creature and a servant
of God. You may have recognized the lofty vocation of Israel as
God's instrument in history for the education of the human race, with-
out feeling *yourself* to be in every fibre a son or daughter of Israel. So
long as this is so, your knowledge is barren. The flower of actual life
does not spring from it.

It is for this reason that Israel's life-history opens with the words: 'I, 3
the Lord, Who brought thee out of the land of Egypt, out of the house
of bondage, I the Lord am *thy* God.'

'I'—a personality standing independently, outside of and above the universe. 'I am the Lord'—Who in My love called the universe into being and with My love sustains the host of living creatures. I with My love destined the human race above all others for a full and free unfolding of its powers, and guide its generations in a steady progress, linking past, present and future. For this loving education of the human race I 'brought thee out of the land of Egypt,' intervened in the process of world history, and revealed Myself to you above all others as omnipotent Creator, Governor, Sustainer and Ruler of Nature, and as Creator, Governor, Judge and Educator of men and nations; wherefore you must not give the lie to your people's history, even if all the world should deny Me. 'And Who brought thee out of the house of bondage'—became your Creator a second time, so that while every man, as My creature, is called upon to be My servant, you have a double duty to devote yourself with all your power as an instrument of My service.

- 4 'I the Lord am *thy* God'—I am your Creator, your Lawgiver, your Judge; the Director of your thoughts, your feelings, your words and your actions. Every one of your internal and external possessions has come to you from My hand; every breath of your life has been apportioned to you by Me. Look upon yourself and all that is yours as My property, and devote yourself wholly to Me, with every fraction of your property, every moment of your time; with mind, feeling, bodily strength and means, with word and action. Be the instrument, the agent of My will with all that has accrued or will accrue to you; and so join freely the choir of creation as My creature, My servant, as a man and an Israelite.¹
- 5 Here is the threshold of Jewish life, the condition and basis of all that follows. Come then, young man and young woman of Israel. If all that I have hitherto written² has not been written in vain, if the spirit of the Torah has spoken to the ear of your own spirit, and you have learnt to behold God in the world, in humanity and in Israel, if you have learnt the true worth of humanity and of Israel and your heart swells at the thought that you yourselves bear the name of human being and Israelite, then advance here to the threshold of Israel's life-temple, and dedicate yourselves to live as men and Israelites. Come forward and accept God, give yourselves to your God, and dedicate yourselves to Him as His servants, with all that is yours, at every moment and with every breath of your lives, servants of His will—men and Israelites.

¹ The German original has the expression *Mensch-Jisrael*. On this term see Additional Note A., Vol. I, p. 271.—*Ed. Note*.

² The Torah up to the Revelation on Sinai, to the development of which the first part of *Moriah* is principally devoted, and of which Letters 3-9 of the *Nineteen Letters on Judaism* contain a sketch. (See Additional Note B., Vol. I, p. 272.)

UNITY OF GOD

אֵחָד

Hear, O Israel, the Lord our God, the Lord is One. DEUT. VI, 4.

Know this day, and lay it to thy heart, that the Lord, He is God in heaven above and upon the earth beneath; there is none else.

DEUT. IV, 39.

Learn the lesson, Israel, from your national experience, learn it from 6
the word of your God, understand it and take it to heart, that God
Whom you have acknowledged as your God is One and One only.

The world presents to you a scene of great variety. You see in it
creation, order, sustenance; here a call to existence, there a recall from
existence, seed growing into blossom and fruit, fruit falling into decay
and dust, dust and decay changing into new seed; here bare stone, there
plants growing lustily, animals let loose to fend for themselves, and man
released from the iron law of compulsion and given freedom of choice.
You see unchangeable law ruling in the celestial realms, while on earth
there is perpetual change.

Human history, too, is full of change and variety. You see men
created, taught, corrected, trained, then left to themselves as if without
supervision, then the coming of Revelation and one people, among all
the peoples created, brought up, instructed, guided. You see war and
peace, abundance and scarcity, life and death assigned to the peoples—
nations set upon the path of history and the gates of the setting sun
opened to them.

Your own life, too, is full of change and variety. You are aware of a
power which has placed you here, of an eye which watches over you,
of a voice which gives you a law and guides you, of a hand which trains
and disciplines you. You see a continual giving and taking away, of
body and mind, of life and death, health and sickness, strength and
weakness, suffering and joy. You know yourself to be a dual creature,
with body and mind, called upon both to receive and to give, to suffer
and to do.

But, however great the variety presented to you both by Nature and
by history and by your own life, you have none the less grasped the
fact, which you must now lay to heart as vital, that all this is the doing
of One God, through Whose will everything everywhere has been and
is, and Whose will has directed everything that has happened and will
happen to you; One God everywhere and in everything. Everything

comes from this One God both in heaven and on earth, and everything therefore conforms to one design, is part of one all-wise plan.

- 7 But above all, the most vital lesson to lay to heart is that this One God is *your* God, and that you have acknowledged Him in order to *live* rightly. Just as the world, with all its variety, history with all its change, has its origin in the one source, is guided by one hand, serves One Being and strives upwards towards this One; so must you recognize and feel your life with all its changes to issue from one source, to be guided by one hand, to flow towards one goal. You must comprehend your life with all its diversity as proceeding from this One and you must direct it towards this One, in order that your life may be a unity just as your God is One. With mind and body, with thought and feeling, with word, deed and enjoyment, in wealth and poverty, in joy and sorrow, in health and sickness, in freedom and slavery, in life and death, your life-task is everywhere and always the same—for it all proceeds from One God and has been assigned by the One God as your task in life; therefore everything is of equal significance, for in everything and with everything you have been summoned to the service of the One God. Strive to reach this One, and be one in heart as your God is One.

3

IDOLATRY

עבודה זרה: שתוף

*Nothing else shall be a god to you alongside My omnipresent and all-pervading dominion.*¹

EXOD. XX, 3.

- 8 You see on every side active forces and their carriers in Nature, elements and carriers of elements like the sun and the earth and sea and air; in the life of peoples, you see Nature, soil, rivers, mountains, and so forth; you see Nature, under the hands of man, raised to a power, and you see men with their wisdom and foolishness, power and weakness, passion and folly, fashioning, destroying and influencing the fate and the life of peoples; and an unseen force that holds sway over destiny and life. And in your own life you see the spiritual and the animal in you; you see yourself as a creative force, bestowing a blessing or a curse on everything around you.

¹ This is the usual significance of *אֵלֹהִים* as applied to God.

Idolatry

But nothing of all this exists or acts by its own power or its own will. 9
Nothing of all this is a god; all of it is created, the servant of the One
all-ruling and omnipresent God. In Nature you see God's law hold
sway; in the life of peoples God's providence supreme; in yourself a
strength sent from God. You yourself, as far as your body is concerned,
are subject to the laws of Nature. You enjoy your moral freedom only
as a free and loving gift of the Omnipotent, and with that freedom of
will you are called upon to subordinate yourself to the universal law as
God's first servant. That much you have learnt.

What you have learnt, however, you must absorb and take to heart 10
as part of your life. In your actual life you must recognize nothing as
God apart from this universal sway of God: 'you shall have nothing
alongside His omnipresent and all-pervading dominion.' God alone
shall be your Prop and Stay, the Guide of your thoughts and feelings,
your words and deeds. Beware, then, lest you take any creature and,
instead of subordinating it to God, place it by the side of God as a
deity, or, worse still, as *your* god. Beware lest, in observing the law of
Nature and the law which governs the history of mankind, instead
of honouring the wisdom of God displayed in them, you place natural
law in Nature and fate in history not below God but alongside God,
or lest you exclude the rule of God from the tiniest corner and intro-
duce blind chance in its place. Beware lest, ignoring the freedom which
God has bestowed on you, you misjudge the animal in yourself and,
instead of seeing in it merely a power which has been sent by God and
which you yourself can control, you stand in religious awe of it, or lest,
overlooking your own limitations, you proudly elevate yourself into
a god. Beware lest, instead of building your material life on God alone,
you base it on wealth or power or knowledge or cunning or the like.
If you do any of these things, you sin against the law: 'Thou shalt
have no other gods before Me.'

Nor is this idolatry merely an error, a mistaking of falsehood for truth. 11
In that case, it would be simply an intellectual mistake, a delusion,
deplorable indeed, but, even at the worst, not the worst that might
happen. For there would still be left human dignity and the purity and
uprightness of human action. But this is not the case. As soon as you set
anything else beside God as God, and still more as *your* God, forthwith
human dignity, purity and uprightness fall to the ground, the fabric of
your life goes to pieces.

If a man follows after any being as God except God, he necessarily sinks 12
to a lower level. As soon as a man thinks of any being as independent
and as belonging only to itself, it must appear to him as tyrannical,

intent only on self-aggrandizement and producing only for self-gratification. Hence the man who reveres such beings as gods must of necessity regard unbridled violence and self-indulgence not as something bestial and so beneath man but as something Divine and so above man, and pursue them as such. Nay, more; when the law of Unity has vanished from his conception of the world and the universe breaks apart for him into isolated deities which serve only themselves, he will soon count himself among the gods, and, recognizing no law in his own life either, he will break out into all kinds of excesses and abandon himself to arrogance and dissoluteness. And if it is only in your material life that you place another god, or a human being or yourself, by the side of or over against God, your course of life inevitably becomes confused, and when you attach yourself to the god of your delusion, you are driven to forsake the God of truth. Inevitably you will forfeit the vocation of a man and an Israelite, of being a true servant of God; in order to snatch some advantage or to secure your property or to gain the favour of the owner of a property, or to indulge your own fancy, you will of necessity leave God's will out of sight and become either the slave or the idol of your fellow-creatures, although you ought to be only their brother, a child, like them, of the One and Only God, man and Israelite.¹

Therefore:

'Know this day, and lay it to thy heart, that the Lord, He is God in heaven above and upon the earth beneath; there is none else' (Deut. iv, 39).

¹ See Additional Note A., Vol. I, p. 271.

4

THE WORLD AROUND

שלא לתור אחרי לב ועין

... And that ye go not about after your own heart and after your own eyes, after which ye use to go astray. NUM. XV, 39.

Explaining this, our Sages say: 'Look not upon the world without consulting the Torah, nor only with the eye of your rational understanding or your physical eye, lest the first lead you to wrong notions of God (מינות) and the second to bestial indulgence (זנות) and both together to idolatry (ע"ז).'¹ 13

Your rational understanding, which is intended only for the comprehension of the creature-world, knows only what can be seen or touched; that is all that exists for it. And when, guided by it alone, you look out upon the world, and the interplay of things gives you the idea that phenomena when linked together constitute a world, you try ceaselessly to turn the chain into a closed and self-contained circle. And even if you suspect the existence of other forces, and you do not succeed in closing the circle, if your chain of reasoning leads irrefutably to one force which you regard as the first and which you posit as the original motive force of phenomena, and you call this original force 'God,' then you must regard this original force as being only the primary force, the first link in the chain; but this is not the personal, holy God of the Torah Who existed before all existing things, Who is above all beings and yet penetrates all with His omnipotence and universal love, the God Who by His will and with His power and for the purpose set by His wisdom called all that is into being, the living God Who dominates the whole passage of time, and Who is also your God Who sanctifies you. Him you will not have, Him the All-powerful, All-sustaining, All-righteous, All-loving, high above all yet near to all. What you attain to is the denial or misrepresentation of God—i.e., *minuth*. 14

As for your physical eye, which sees only material things and can 15

¹ We follow here the more difficult reading, found in *Berachoth* 12b and in *Sifri*, in which לב is understood not as יצר but as the whole mentality of man. This signification is also the original one, as לב denotes both mind and disposition, e.g., חכם לב. With this version חמשה must be changed into ששה. The simpler explanation of the *Yalkut*, where חמשה עבודת זרה: אחרי עיניכם and הרחוק עבירה אחרי לבכם appears to have been based on the reading חמשה. Our explanation, in which עין is understood as the bodily eye, and as producing denial of the law, is supported by the מצות ציצית, which is meant primarily to remind the eye of the law. (See chap. 39.)

discern only bodies, if you follow its tracks in its observation of the world, it never beholds a unity. To it, the world is only a mass of individuals, each living for itself, pursuing its own enjoyment. You cannot discern the law which governs them all and which they all obey, even in their self-seeking, and which summons them to something higher. And if your body, which is served by your eye, also has impulses and wishes to enjoy itself, why should you restrain it? Why should it not revel in enjoyment? Why should it not be like the plant and the animal, whose impulses have free play? You are, after all, akin to both of them! And if you join their company you become plant and animal, bestial and rioting in pleasure. This is *zenuth*.

- 16 Both *minuth* and *zenuth* lead to idolatry—riotous enjoyment leads to it directly; denial and misrepresentation of God usually over the bridge of pleasure. For as soon as enjoyment becomes the object of your life, you no longer regard yourself as belonging to the world but the world as belonging to you, and you know no law but your own capricious impulses. From that moment, too, you will no longer understand what is meant by unselfishness, you will see in every creature around you a being which obeys only itself and works only for itself; and the world will be split up for you into a crowd of god-like beings obeying only themselves. And if then, in the embrace of sensuality, you have stripped yourself of everything spiritual, no longer retaining any feeling for the Divine, you will yourself become aware in your impulses of your feebleness, your instability, your inconstancy in pleasure, and you will fall prostrate before every creature that provides you with enjoyment and itself seems to you so noble and so everlasting in its enjoyment. And yet, in truth, your weakness in combating your impulses and love of pleasure ought to have reminded you of your higher destiny, and behind the substance of the beings around you you should have discerned their Lawgiver, Whose law is unchangeable because His omnipotence keeps it so. You can also reach idolatry, or rather polytheism, directly through the eye and the understanding of the senses, if Torah does not reveal to you the One and Only God; for with your physical eye and understanding you behold only particular beings and activities, but not the Invisible One with His one dominating law. You see only gods, not God. This is *avodah zarah*.
- 17 Not so Israel. Only through the medium of the God-and-man-revealing Torah must it view the world and itself. It must regard both God and the Torah from which it learns the law as a fact—as much a fact as heaven and earth—and link them with the facts perceived by the outer and inner eyes, and only when thus equipped contemplate the world and itself. It must not try to understand God from the world and itself,

but the world and itself from God. Then you will see the world as a work of wisdom and the product of an omnipotent creating and ruling God, in which every impulse and every action obeys His law, and all beings serve the purpose fixed by His wisdom. And you will conceive yourself as man and Israelite joining of your own free choice the band of those who serve God, summoned to holiness even in your freedom, the first servant in the throng of existing things, freely performing the will of God revealed to you.

But even after you have gained your conception of God from the Torah, beware above all of your sensory understanding, of applying to God the standards of the senses, and thinking that for that understanding you have answered questions about God and His providence though you have not found either of them within the compass of the sensuous understanding. Your understanding is competent only to investigate the created world; for that purpose it was given to you. That world is the sphere of your activity, and only in so far as it is the sphere of your activity is your understanding adequate. But God is not creature, so beware of trying to measure the Creator with the yardstick of the creature. The Torah, too, discloses to you only what the created world is to you, what you are to the created world, what God is and ought to be for you, for your activities and the performance of your task in life. Whatever lies beyond this it does not disclose to you, the reason being that it has no application to life, to the active and creative life of human beings. Do not seek, therefore, to investigate with your reason what the Torah does not disclose to you, because it is unattainable by you, and even if it were attained it would be of no use. Before embarking on any inquiry, ask yourself whether it is within your power and whether it would be of any advantage to good living; and if you find the answer in the negative, then the mere desire to investigate is, as the Sages express it, 'a derogation of the Divine majesty' (שלא חט על כבוד קונו), an arrogant attempt to overstep the bounds which God in His wisdom has set for you. Hence it is also harmful, because it makes one discontented and arouses doubts, and so easily slides into *minuth*. Our Sages therefore impress on us to refrain from all speculation on such topics as the existence and essence of God. What God is to you—Creator, Lawgiver, Judge, Father, and so on—and what His world is to you and what you should be to it, that is disclosed to you; His work and His word, Nature, history, Torah are open before you; therefore search out His work and His will, in order that you may behold Him in all that is and all that comes into being, and that understanding His will ever more clearly, in this world of God, under God's all-seeing eye and with His ever-present aid, you may school yourself to be the active performer of the Divine will, the 18

servant of God. Any knowledge that does not lead to this end does not belong to the sphere of man. The Sages have already noted that Scripture begins with a *beth* (ב) in order to warn you at the very beginning that what is before this world, what is above it, and what is below it, is beyond the bounds of your inquiry. Your task is to press forward in your own sphere, always diligently serving God. At this your inquiry should aim; for this your understanding suffices.

5

SELF-APPRAISAL

And lest thou lift up thine eyes unto heaven, and when thou seest the sun and the moon and the stars, even all the host of heaven, thou be drawn away and worship them, and serve them, which the Lord thy God hath allotted unto all the peoples under the whole heaven. But you hath the Lord taken and brought forth out of the iron furnace, out of Egypt, to be unto Him a people of inheritance, as ye are this day.

DEUT. IV, 19-20.

- 19 There is no more effective protection against the danger of deifying the creature than a proper self-appraisal, than being completely permeated with the consciousness of your own task in life. If you feel yourself to have been born only for enjoyment or suffering, then indeed you will bend the knee to every being that dazzles you with its powers as being in your eyes one of the levers that move the world. If, however, you feel yourself to have been assigned by God to the station in which you were born, in order to execute His will at just that post, in that circle, with those means, in that space of time, and for that part of His world, were your task only that of a blade of grass, then with that consciousness and that spirit you stand on a level with the most brilliant, most gifted creatures. In that consciousness you see all creatures on a level, all performing the tasks assigned to them by God, all servants round the throne of God. And the foremost servant is man, charged with fulfilling God's will consciously and freely.
- 20 This appraisal of oneself as being directly subordinate to God along with all creatures is demanded of Israel, as a shield against the deification of the creature and in order that with untrammelled gaze Israel may see everywhere only the One creative God and in all beings His servants.

Self-Appraisal

Never, says Scripture, look upon sun, moon and stars and all the hosts 21
of creation without thinking that it is the Lord thy God—that is, the
Ruler and Guide of your life also—Who has apportioned them as dis-
tributors of power to all the peoples of the earth; and that the same God
has also selected you to be His people—that is to say, to be in human
affairs the proclaimers of His will and His instrument for the education
of humanity. Never forget that the most brilliant and gifted beings are
only creatures of God and doers of His will, and therefore they do
not stand higher than you who have joined the company of the servants
of God and performers of the Divine will, bearing as your charge the
light not of the body but of the spirit.

Young men and young women of Israel! Let the consciousness of your 22
mission penetrate you through and through! Be ever conscious that
the same God Who has prescribed the course of the sun, the path of the
light-ray, the development of the worm, has in His Torah also given to
you the law of your life. And, with this consciousness, live in God's
creation, as brothers and sisters of the greatest as of the smallest, all like
you, you like all, called upon to be servants of the One and Only.
Rejoice in this company! Then will the rolling thunder, the effulgent
sun, the blade of grass that nods to you as you walk, the breeze that
fans you as it passes, greet you and remind you of your task, which, like
theirs, is to serve your God and not to fall out of their company. For,
indeed, if, alas, you misuse the gift of your freedom in order to with-
draw yourself from the service of the One God, then you sink not only
below the beneficent orb of the sun but beneath the worm on which
you tread and the stone which, faithful to its duty, patiently sustains
your weight.

6

OUTLOOK ON LIFE

להיות תמים עם ה'

When thou art come into the land which the Lord thy God giveth thee, thou shalt not learn to do after the abominations of those nations. There shall not be found among you anyone that maketh his son or his daughter to pass through the fire, one that useth divination, a soothsayer, or an enchanter, or a sorcerer, or a charmer, or one that consulteth a ghost or a familiar spirit, or a necromancer. For whosoever doeth these things is an abomination unto the Lord; and because of these abominations the Lord thy God is driving them out from before thee. Thou shalt be whole-hearted with the Lord thy God.

DEUT. XVIII, 9ff.

Practise no divination nor soothsaying.

LEVIT. XIX, 26.

- 23 Be whole-hearted with the Lord thy God! Your life has a twofold aspect—what happens to you and what comes from you, what you receive and what you produce, your lot and your actions. With both and with every fraction of both you must feel yourself immediately under God. Your lot proceeds directly from God, so live your life directly for God—and wholly. God causes you to be born at such a time, at such a place, of such parents, in such an environment; He brings you into contact with such-and-such men, gives you such friends, such teachers, equips you with such faculties both of body and of mind, places you in such a position in life. He gives you all this as the means with which to carry out His will. Everything which falls to you you owe therefore directly to God, and again it is His will alone which you should fulfil with all that has fallen to your lot. 'Should,' not 'must'; for whether you will really fulfil it depends entirely on yourself. As the Sages say: 'Everything is in the hands of God except the fear of God';¹ everything is God's, only your heart is yours.
- 24 But just as your past and your present have come to you immediately from the hands of God, so your future lies only in God's hands—and in your own. For it is the future which you create for yourself according to your good or evil use of the past and present; for it is according to this free behaviour of yours that God fashions your future both to requite you and to train you; and so it is man himself who half makes his own future.

¹ Cf. B. Talmud, *Berachoth*, 33b; Maimonides, *Hilchoth Teshuvah*, chapter 5.—Ed. Note.

But just because of this, no creature, not even the universe, can tell you 25
what is in store for you; it is known only to God, from Whom they,
like you, directly receive their future. And just because of this, no
creature, not even the universe, can mark out any act for you as one
which ought to be done or not. Only God knows and can do this, and
He has it put down in the living word of His Torah.

From the cradle to the grave the Torah accompanies you, teaching you 26
what are the duties for which God has granted you life and means,
prescribing for you duties and restraints for every occasion, for every
benefit received. To discern, however, what is the occasion and what
is the position presented by any particular moment, and therefore
which particular duty requires your attention in it, for this you must
thoroughly grasp the nature of each moment as it comes, in order to
judge whether you have now the means for performing this or that
duty, whether the present situation requires this or that duty of you,
and how you can best perform the duty devolving on you. For this pur-
pose God gave you understanding, opened your eyes in order that you
might be able to measure object and means and examine what lies before
you. Use your understanding. Nature and man are the means and the
context of your activity; these are before you; learn to know them, from
your and their past gain experience. Which duty you ought to perform
you can learn from the Torah, but whether and how you can perform it
at any given moment you must learn from experience and discretion.

Therefore, for your duty consult the Torah, but for its performance 27
consult experience and discretion; and lay your future entirely in God's
hands. Perform what you have recognized to be your duty at any
moment, and do not be led astray by circumstances which it would be
craziness to regard as being of importance for your conduct and as
indicating your proper course.

For consider, it was only when man forgot to make the performance 28
of duty the touchstone of his actions, because he had forgotten God,
Who had laid upon him the duty of productive activity and had made
His will the standard of such action; it was only when, in consequence,
he forgot that the things which matter in man's allotted span are task,
requital and testing, and that only man's performance of duty, God's
scrupulous justice, and God's parental love determine a man's future;
it was only then that man looked anxiously without for the touchstone
of his actions, that he was no longer aware of the inner touchstone, that
he valued his actions only according to their external success, without
even seeing that this success lay in the hands of an eternally wise Justice
and Love. It was therefore the world of the creature which was to decide

for him, to which he felt himself bound in his performance. It was the universe, or single creatures representing it, to which he turned to discover whether they did not mean to intervene between the beginning of his action and its success. But the creature-world is dumb, and the universe itself does not know what the One God has in store for it. Thus man deluded himself and paid superstitious attention to circumstances which have not the slightest connection with his behaviour.

- 29 Hence such delusion and such an outlook on life is an abomination to the Lord Who calls upon you to act like free human beings; for it involves the profoundest misjudgment of God and man, and at the same time uproots God and man in human beings.
- 30 Let there be no one among you who thinks to subject himself to a Moloch, the blind power of fate; no one who first has lots cast about his prospective action, who consults the stars, selects times (for the bad action no time is good and for the good action every time is good, and if you can perform a duty now, why wait till later? Do you know whether you will live till 'later'? Whether 'later' you will have the same strength and means as now?); no one who allows omens to decide him for or against an action. Whether today is Monday or Tuesday, whether your foot has stumbled on the threshold, whether your stick has fallen from your hand or a bite from your mouth, whether your child has called you back from the door, whether a hare or a roe has crossed your path, whether a snake has passed you on the right or a fox on the left, whether a weasel or an owl or a dog has greeted you—that should not decide you what to do or not to do. Whether the lines of your hand are crossed this way or that way, whether you were born in this month or that month, whether your shadow appeared to you like this or like that in the moonshine, do not let these or any similar fantasies fill you with either fear or gladness about your future. Be whole-hearted with the Lord thy God. Do not consult staff and dice, day and hour, beast and bird, the grave and the dead, heaven and earth about your actions and your future. Inquire of God in His law about your actions and their success, and place your future in God's hands. 'Success'? What does it matter to you? If it was your duty at a particular moment and with the purpose, knowledge, and means that you then had to act in such a manner and not otherwise, then you have played your part, and you can leave all the rest in God's hands. An evil deed which succeeds is no better for that and a good deed which fails is certainly no worse.
- 31 The delusion mentioned above consists essentially in this, that conclusions are drawn from phenomena with regard to relations in the past

or the future not according to the rule of cause and effect implanted in the mind of man by God Himself, in conformity with His world-process—according to which, in fact, such conclusions could not be drawn in those particular circumstances, since here appearance and inferred relationship have no demonstrable connection with each other—but each phenomenon is taken as an expression of the universe which conditions human action and human power, and so man and his actions are ranged not under God but under the world of powers and beings which encompasses him.

This is not the case with the lessons of experience. Having learnt by 32 indisputable tests to recognize two states as cause and effect in Nature or as premise and conclusion in human life, then wherever you find cause and premise you may expect to find effect and conclusion, and similarly you may presume the former where you find the latter. For in doing so you respect the laws which God Himself has fixed in Nature and human life, and act according to the rule which God has planted in your mind for their comprehension. Similarly, when you have made two phenomena follow one another incontestably three times to outward appearance, you can at once note them for further experiment (סימן), although no connection between the two corresponding to your other experiences has yet become clear to you; for only in this way is all experience accumulated. Nevertheless, in your own experiments beware of deceiving yourself, see that you are circumspect and deliberate and free from prejudice, that you know how to verify, how to separate the essential from the inessential, the exceptional from the general. And where you want to absorb the experience of others, see whether you can assume in them the existence of all these qualities, and truthfulness as well (Y.D. 179).

7

REVELATION

זכירת מעמד הר סיני

Only take heed to thyself, and keep thy soul diligently, lest thou forget the things which thine eye saw, and lest they depart from thy heart all the days of thy life; but make them known unto thy children and thy children's children; the day that thou stoodest before the Lord thy God in Horeb, when the Lord said unto me: 'Assemble Me the people, and I will make them hear My words, that they may learn to look upon Me with reverence all the days that they live upon the earth, and that they may teach their children also.' And ye came near and stood far below by the mountain; and the mountain burned with fire unto the heart of the heavens, with darkness, cloud, and thick darkness. And the Lord spoke unto you out of the midst of the fire; ye heard the voice of words, but ye saw no form; only a voice. And He declared unto you His covenant, which He commanded you to perform, even the ten words; and He wrote them upon two tables of stone. And the Lord commanded me at that time to teach you statutes and ordinances, that ye might do them in the land whither ye go over to possess it.

DEUT. IV, 9ff.

These words the Lord spoke to your assembly at the mount out of the midst of the fire, of the cloud, and of the thick darkness, with a great voice, and it ceased not. And He wrote them upon two tables of stone and gave them unto me. And it came to pass, when ye heard the voice out of the midst of the darkness, while the mountain did burn with fire, that ye came near unto me, even all the heads of your tribes, and your elders; and ye said: 'Behold, the Lord our God has shown us His glory and His greatness, and we have heard His voice out of the midst of the fire; we have seen this day that God doth speak with man, and he liveth. Now therefore why should we die? for this great fire will consume us; if we hear the voice of the Lord our God any more, then we shall die. For who is there of all flesh, that hath heard the voice of the living God speaking out of the midst of the fire, as we have, and lived? Go thou near, and hear all that the Lord our God may say; and thou shalt speak unto us all that the Lord our God may speak unto thee; and we will hear it, and do it.' And the Lord heard the voice of your words, when ye spoke unto me; and the Lord said unto me: 'I have heard the voice of the words of this people, which they have spoken unto thee; they have well said all that they have spoken. Oh that they had such a heart as this alway, to fear Me, and keep all My commandments, that it might be well with them, and with their children for ever! Go say to them: Return ye to your tents. But as for thee, stand thou here by Me, and I will speak unto thee all the

Revelation

commandment, and the statutes, and the ordinances, which thou shalt teach them, that they may do them in the land which I give them to possess it.

DEUT. V, 19ff.

And the Lord said unto Moses: 'Lo, I come unto thee in a thick cloud, that the people may hear when I speak with thee, and may also believe thee for ever.'

EXOD. XIX, 9.

For these nations, that thou art to dispossess, hearken unto soothsayers, and unto diviners; but as for thee, the Lord thy God hath not suffered thee so to do. A prophet will the Lord thy God raise up unto thee, from the midst of thee, of thy brethren, like unto me; unto him ye shall hearken; according to all which thou didst desire of the Lord thy God in Horeb in the day of the assembly, saying: 'Let me not hear again the voice of the Lord my God, neither let me see this great fire any more, that I die not.' And the Lord said unto me: 'They have well said that which they have spoken. I will raise them up a prophet from among their brethren, like unto thee; and I will put My words in his mouth, and he shall speak unto them all that I shall command him. And it shall come to pass, that whosoever will not hearken unto My words which he shall speak in My name, I will require it of him. But the prophet that shall speak a word presumptuously in My name, which I have not commanded him to speak, or that shall speak in the name of other gods, that same prophet shall die.' And if thou say in thy heart: 'How shall we know the word which the Lord hath not spoken?' When a prophet speaketh in the name of the Lord, if the thing follow not, nor come to pass, that is the thing which the Lord hath not spoken; the prophet hath spoken it presumptuously, thou shalt not be afraid of him.

DEUT. XVIII, 14ff.

If there arise in the midst of thee a prophet, or a dreamer of dreams—and he give thee a sign or a wonder, and the sign or the wonder come to pass, whereof he spoke unto thee—saying: 'Let us go after other gods, which thou hast not known, and let us serve them'; thou shalt not hearken unto the words of that prophet, or that dreamer of dreams; for the Lord your God putteth you to proof, to know whether ye do love the Lord your God with all your heart and with all your soul. After the Lord your God shall ye walk, and Him shall ye fear, and His commandments shall ye keep, and unto His voice shall ye hearken, and Him shall ye serve, and unto Him shall ye cleave. And that prophet, or that dreamer of dreams, shall be put to death; for he hath spoken perversion against the Lord your God, who brought you out of the land of Egypt, and redeemed thee out of the house of bondage, to draw thee aside out of the way which the Lord thy God commanded thee to walk in. So shalt thou put away the evil from the midst of thee.

DEUT. XIII, 2ff.

- 33 There are here four things which every generation of Israel is bidden to take to heart: (1) the fact and manner of the Revelation of the Torah at Sinai; (2) the fact and the definition of the continuous revelation in prophecy; (3) the attestation and the signs of a true prophet; (4) the signs of and warning against a false prophet.
- 34 The law was not brought to Israel by an intermediary, whether accredited by signs or not; all Israel, numbering two and a half million souls, were assembled at Horeb, and heard directly the voice of the Lord when He began, amid universal turbulence, to reveal the law of life. The whole of Israel became in that moment prophetic and climbed to the highest reaches of prophecy. Face to face, God spoke the words of life to the whole people of Israel. It is this fact, free from all possibility of deception, which guarantees the Torah as unchangeable for all generations, for all time. The beginning of the Revelation of the law at Sinai is the guarantee of the completion of the law through Moses. And since the Torah declares itself to be closed for all time, it follows that only a like occurrence, equally direct and with an equal number of eye-witnesses, can add so much as a single word to the Torah or take one away or declare one repealed. So long—even if one were to bring heaven to earth—does the Torah stand firm for the community of Israel as the law of its life.
- ‘The secret things belong unto the Lord our God; but the things that are revealed belong to us and to our children for ever, that we may do all the words of this law’ (Deut. xxix, 28).
- 35 But the same occurrence, along with the express word of God, is also a pledge for the appearance in Israel of the men whom God promised to raise up in Israel’s midst, and whom He did raise up, above all when the star of Israel’s material fortune was near its decline and there was all the more need to implant and to foster the spirit which for thousands of years was to uphold the people without a land of their own—and which in fact has upheld them. They were not to be law-giving prophets, for the law, both written and oral, was closed with Moses, and transmitted to the people directly, and it stood above the prophets. Their purpose was to call for the observance of the law, to warn and admonish by disclosing what would happen, to judge events as they occurred—they were prophets of life as it was lived. What the Torah demanded for the word of the prophets was that men should listen to it as to the word of God; that they should allow themselves to be warned and admonished by it, so as to avert the trouble which was threatened as the consequence of their actual way of life by changing that life; that they should believe the description of the future revealed to them by God through the prophets, and base upon their word their

judgment of historical events when what was still future for them should have become present; and that they should follow unquestioningly every instruction which was given to them as the will of God, not as a permanent law but as the duty of the moment. And just as Torah remains the rule of life for all generations, so the words of the prophets reveal to every generation their fate in the present and future, so that alone among the peoples Israel can perform its part in human history consciously. And therefore even today, just as Torah teaches Israel its duty, so prophecy opens its eye and its mind to understanding life.

But, Israel, accept that man only as a fully accredited prophet who has already shown himself wise in the wisdom of the Torah, strong in self-command and in combating animal passions, rich in contentedness, and therefore free from self-seeking; that is to say, only that man who has proved to you that he has reached the highest level of character as man and Israelite, and thus possesses the capacity for prophecy, and who has then given proof of his calling as a prophet not through miracles but rather by repeatedly making prognostications which have been literally fulfilled. When, thereafter, the word which he has proclaimed is in harmony with the contents of the Torah, then you must accept it as the word of God. 36

Where, however, one of these elements is lacking, where, that is to say, his word calls in effect for idolatry, or annuls one iota of the words of the Torah for Israel for all time, or only alters them or adds to them, whether in the Written or the Oral Law, even if he only gives out his own explanation of a law as being derived from prophetic inspiration, such a man has forfeited his life in Israel. The Torah directly revealed at Horeb stands above prophets, and it is the touchstone of the prophet; and since the completion of the Written and Oral Law at Horeb, the determination of its content is not tied to prophetic inspiration from heaven. Do not be led astray. God allows him to arise in order to try you to see whether you love the Lord your God with all your heart and all your soul. 37

‘You shall go after the Lord your God, and fear Him, and observe His commandments, and hearken to His voice, and serve Him, and cleave to Him’ (Deut. xiii, 5). [Maimonides, *Hilchoth Yesodei HaTorah*, chap. 7.]

8

FEAR OF GOD

יראה

Beware lest thou forget the Lord, who brought thee forth out of the land of Egypt, out of the house of bondage. Thou shalt fear the Lord thy God; and Him shalt thou serve. DEUT. VI, 12-13.

... God is come to prove you, and that His fear may hover before you, that ye sin not. EXOD. XX, 17.

- 38 The fear of God consists in laying to heart all that Scripture has so far taught you about the greatness of God, such as His omnipotence, His grandness, His omnipresence, His endless activity, His majesty, His giving of the law, His omniscience, His scrutiny, His justice in judgment, His just retribution, etc.; in impressing all this so vividly on your mind that the thought of His greatness never deserts you, and that everywhere and always and in everything you behold the almighty, great, creative, omnipresent, all-ruling God, Who has revealed to you His law for guiding your life, and watches to see whether you fulfil this will of His and examines and judges and requites you. *יראה ה'* means, strictly, to see God everywhere and to feel your own littleness in His greatness.
- 39 If you have a vivid conception of but one aspect of God's greatness and carry it with you always and everywhere, then you cannot sin.
 God's omnipotence: Heaven and earth return to nothing at His nod, and you, in your human littleness, with your grain of power, with your brief spell of time, with your transient existence, will you, man, in your impotence set yourself up against the Omnipotent, rebelliously disdain Him and not fear lest if you sin the next moment may bring you annihilation?
- 40 God's greatness: God reaches out to where man's thought grows dizzy. All being, all existence, all becoming serves the plan of His wisdom, and He reaches His goal by ways which no human thought can dream of. And will you not fear His dominion, because over the short span which you can survey you see no danger?
- 41 Omnipresence: Whither will you escape from His spirit? Whither flee from His presence? Were you to ascend to heaven, you would stand before Him, were you to lay yourself in the grave, He is there too; if you go east or west, north or south, His eye is everywhere, His hand is

Fear of God

everywhere, above you, below you, around you, in you—can you escape from yourself? And still you want to sin!

God's majesty: God is Master, everything is His property, all that the earth contains, from the blood that flows through your veins to the air which you breathe. All is God's property, and do you, sinner, want to stretch out your hand and destroy, injure, waste, misuse, what is not yours? It is not you yourself, it is not your fellow-creature against whom you sin, it is God, to Whom everything belongs with which or against which you sinfully rave. And you still want to sin? 42

Revelation of the law: See now, the God Whose law meets you everywhere, in the blade of grass which blossoms and withers and is no more, in the stone which you see fall to the ground, in the stars which circle far above you—that same God has enjoined on you the law of your life—for you to follow freely. And will you, misusing this high confidence, sin against God's law? 43

Omniscience: Do you walk in darkness, unseen of men, and do the deed and not perceive the eye of God which looks on you and into you, and do you think that what you have hidden from man you can hide from God, the All-knowing, with the all-seeing eye and the all-hearing ear, which detects your very self in your own conscience? There is no height, no depth to which sin can withdraw itself from the eye of God. He knows your word, your deed, your feeling. Before your thought exists, while it is still not clear to yourself, it stands as it is dawning upon you before God's throne. And you want to sin? Fool! 44

Scrutiny: But you shrivel up, make yourself small and say: 'Man's life and actions are so tiny, the earth is but a grain of dust, man is a prey to the worms, a mere nothing in God's universe. And will God, so high, so holy, so exalted, look upon the earth, on mankind, on me; will it not be the same to Him whether I live in this way or that?' Hypocrite! Was it too little for Him, when you came into being, to prepare you for existence, to equip you for life? Do you not perceive everywhere, in you, on you, around you, the hand which fashions and fits you out, which provides for you? And now that the same hand directs you to the law of His will, do you pretend to be astonished that He Who now as ever is concerned for your being and welfare and your lightest need should not be indifferent to your actions also? To the way in which you use everything He has given and still gives you, in your enjoyment, your thought, your feeling, your word, and deed? 45

Justice in judgment and requital: You may deceive or bribe human judges, but God is Himself Witness and Judge, and it is He Who judges 46

you. He, Who sees thought, feeling and act as they emerge, and Who sees you sin, He is also Judge of the sin—and a just Judge. See, He has founded His world on justice, He has made right and truth the measuring rod of the universe. Everywhere we see cause and effect, premise and consequence, nothing without effect, everything with its corresponding result, the impact corresponding to the force, the fruit to the seed. And shall only the seed of your thought, your words, your actions, your enjoyments have no fruit, fruit corresponding to the seed? Where you have sown evil do you think to reap good? Where you have sown curses shall blessings blossom forth? The scales and the cup are in God's hand. The scales weigh your life, and according to the balance the cup of life hands you curses or blessings—if not in this place then in the other. And will you rob your life of its value through sin? Will you be so wrong-headed as not to see that, instead of building up your life with the enjoyment, the advantage, the satisfaction which sin offers you, you completely ruin it?

- 47 Lastly, the eminence and holiness of God: These in themselves, without any thought of retributive punishment, must, if there is a spark of higher feeling left in you, check in you any incipient thought of sin. Have you never felt the impression left by a great, noble, and pure-minded man on your spirit? Have you never heard how even inveterate evildoers, at the mere sight of a man of true inward greatness, have been filled with such respect that their evil intent has died away and the hand which they raised to commit a crime has fallen back? And this was but the nobility of man. If you step before God, His majesty, His holiness will stifle in you every rising thought of sin. It is the purest fear of God, difficult to attain, hardly easier to describe.
- 48 Early in life, therefore, sons and daughters of Israel, open your minds to the greatness of your God, advance with your fathers to Sinai, and just as they beheld there God's greatness, majesty and omnipotence, beheld how He, and He alone, is in everything, in the greatest as in the smallest, and the whole universe is enclosed in His greatness, so do you everywhere stand at Sinai, let God everywhere reveal Himself to you, in everything great and small. Seek Him everywhere. Everything which has been, which is, which will be—above all, everything which has happened and will happen to you, refer everywhere and always to God, and think of it as being only from God. So will every creature, even the smallest, every change, even the slightest, every fleeting moment, recall 'God' to you. The omnipotent, holy God will be everywhere present to you in His all-embracing greatness, so that you may be servants to Him and not sin. Show that you are the descendants of those who beheld the greatness of God in Egypt, at the Red Sea, at Sinai.

LOVE OF GOD

אהבה

Love the Lord thy God with all thy heart, and all thy soul, and all thy might.

DEUT. VI, 5.

‘To love’ means to feel one’s own being only through and in the being of another. ‘To love God,’ therefore, means to feel that one’s own existence and activity are rendered possible and obtain value and significance only through God and in God. You exist and are something only through God; and therefore in all that you are and do, you have only to strive to reach God—that is, to perform His will. To love God and to love His Torah is the same thing; for to love God means nothing until you begin to love His Torah. 49

Your being and your doing are only through God. If you wish to understand this properly, fix your eye and your mind on the benefits which you receive from Him. Count them from the cradle to the grave and beyond the grave. Think how, for thousands of years before you came into existence, God was already your Benefactor, since He makes you the heir of what has been done, suffered, practised and learnt through mistakes and failures during thousands of years, and how, through this inheritance, the present moment means to you what it does. Count your physical powers, your material means and resources, the fellow-men whose association is so useful to you both in body and mind. Look at your mind with its capacities and powers, at your heart with all its life-currents. Consider that with all this you have been born to be a man and an Israelite, and that this calling is revealed to you in the Torah. And note that all this has been granted to you and received by you only from the hands of God, that it is received and blessed afresh every day and hour and moment through His love and kindness and grace, how He is everywhere around you, protecting, warning, instructing and improving you. Can you doubt then that all that you are and do comes only from God? 50

‘Your life possesses value and significance, it is something, only through God.’ This is what you must feel above all, in all your being. Granted that you have body and mind, wealth and friends, profession and learning—yet if you cast God aside, God, Who turns your time upon earth and the good which you perform into a contribution to the 51

upbuilding of His world—cast Him aside, the great Architect of the universe, for Whom you, with all your performance, are merely a solitary stone which only His wisdom turns to account in the general structure—cast Him aside, and what would you be with all your possessions and all your activity? With all your wealth so poor, with all your strength so circumscribed, with all your power so impotent! You and your performance—how infinitesimal in the whole! And transient at that! You know the portrait of man—the fleeting vapour, the vanishing shadow, the withering blossom, the dream. And if you have worked successfully all your life, and built something great and fine—the hour calls and you must away, destitute, all your great and fine achievements exposed to annihilation. But you still have God, Who receives the smallest good which you perform according to His will, and adds bit to bit, Who assists even your error to become truth, so that no act, no word, no thought even is lost, if only it was true and right and good. Through God your smallest becomes great, your most transitory eternal. Even if it is unrecognized by men, unknown even to yourself, however small it is, if only it is good, just and noble—in God's hand it all becomes a contribution to the great and eternal structure.

- 52 O, you young men and young women of Israel! Would that you could but grasp the deep happiness enshrined in the proud thought: 'I am an entity in God's world.' Would that from the blade of grass, the flower and the breeze you could learn to become imbued with the sublimeness which permeates all created things, which possesses the angels and which fills one with serenity and blessedness—would that, even for a fleeting moment, you occupied the place which God has allotted to you! But, nay, you struggle and eke out your time in the pursuit of wealth and pleasure—for yourself, and yourself alone—and even the good you do is but for yourself, ignoring that you are the servant of God, God's emissary. With worldly possessions alone, with the enjoyment of pleasures, you are naught. Perhaps as a physical body you may have some meaning; but created matter is subject to change—it wastes, it decays and becomes merely food for creatures who are better than you in that their life is devoted to just such a purpose and who therefore fulfil better than you do their whole object in life. But you, who are that quintessence, man and Jew, you persist in the emptiness of your spiritual outlook, declining to use your free will in the service of God. If only you could be elevated into serenity, into a condition which absorbs your whole self and provides you with serenity only in God and in the Torah which expounds your mission in life—then would you cast aside your idols of silver and your idols of gold and your arch-idol 'pleasure' and all the baubles of your age—to speed to God, so that you may realize yourself. You would then have become one who loves God.

Cast them aside? No! Perhaps you would at last really grasp them, 53
turning the idol into an instrument, the bauble into something useful,
by devoting your whole being and energies to God and the fulfilment
of His will; you would love God with all your heart and all your soul,
and all your might.

‘To love God with all your heart, with mind and heart’—for such is 54
the meaning of *לֵב*. To strive to reach God with your mind, employing
all the mental faculties which have been lent to you for recognizing
God, for learning to know His will as expressed in His law and also
His world, in order that you may know how to fulfil His will in it.
‘With your heart’—in order that you may be able to go through the
fight to which God calls you between the impulse which leads you
upwards and the impulse which drags you downwards; that you may
be able to make peace between the brute and the man in yourself; that
you may be able to lift up the brute to the human level and make both
impulses take one direction—to serve God, to call only that good and
honourable which God calls so, and to avoid that which He wishes to
be avoided; that your heart should feel only one attraction—to your
Father in heaven.

‘And with all your soul, and with all your might.’ This means that in the 55
life which has been lent to you, in your physical powers, your health
and bodily fitness, in the resources which you have acquired, in the
whole endowment which God has given you in the material world—
money, business, honour, influence, friends, family—that in all of these
you may see only the means and instruments for accomplishing that
which God in His law has meant to be accomplished, which your mind
recognizes and your heart strives for. So, just as your mind and your
heart will have only one direction—towards God—so your life and your
possessions will be dedicated to this one effort, and you will become
single-minded and active just as your God in heaven is One and creative.

If then your heart, your life, your wealth are only means for loving God, 56
you ought naturally to love Him more than your heart, your life and
your wealth. You should never hesitate when it is a question between
abandoning the ways of God or the inclination of your heart, to throw
away inclination, wealth and life in order to remain true to your God.

Shame on him who, turning means into end and end into means, 57
degrades the highest and exalts the lowest; who, in order to increase his
wealth, to enlarge his business, to win the respect of men, to buy friends
for himself, to build up his fortune, as he imagines, or to satisfy his
inclinations and passions, breaks even one commandment of his God.

- 58 Double shame on him who, for the sake of any such advantage, not only discards one command of God, one word of his Father in heaven, but turns his back altogether on God and says: 'I have no longer any share in the God of Jacob. I will go to the nations who possess power and prestige, who are not given over to feebleness and restraint and contempt.' Heaven and earth blush for him, he has forfeited his human dignity, his heart has no longer any idea of holiness; the most holy merely amuses him.
- 59 But you, Israelite, listen. You shall love your God more than your heart, your life and your wealth. And were you called upon to abandon your most passionate desire, to sacrifice your life, to give up your fortune, if you had to suffer torture and martyrdom, shame and contempt, poverty and misery, if you had to suffer death for yourself and your dear ones, suffer and remain faithful.
- 60 Cast away everything which has no value without God, which has no value unless you can dedicate it to the service of your God. Cast it away and remain faithful!
- 61 But learn, too, how to deal justly with this self-sacrificing love, as God's law teaches you.
- 62 Your desires and your property and all that you call yours, except your life, weigh less in the scales than the least of the commandments, and were you forced to abandon everything except your life in order to avoid breaking even one of the commandments of your Lord, you dare not hesitate.
- 63 The case is different with your life. If you are told to break any command of the Torah, with the exception of those connected with idolatry (*עבודה זרה*), immorality (*גלוי עריות*), and murder (*שפיכת דמים*), under threat of being put to death, then you should break it, provided that you have first sought, but without success, even with the offer of all your earthly fortune, to buy your release from sin, and preserve your life further to serve your God. If your assailant, however, is not thinking of his own profit and only wants to make you break the law, and if this is done publicly—that is to say, to the knowledge of at least ten Jews, or even secretly but at a time when some tyrannical Power is trying to destroy Israel's Torah by violence, then account your life as nothing in face of the lightest sin, were it even the infringement of a custom which is peculiar to Israel. In this case, God says to you: Sacrifice your life! Sanctify My Name, and show in the congregation of your brethren that you love God more than life, and

spur them on to similar love. Show the madman that his power is unable to force Israel into disloyalty to his God; show him that Israel's sons and daughters mock at his puny strength, that they will expire and still remain true to their God.

Laws, however, against idolatry, immorality and murder, taken in the widest sense,¹ have an importance of their own. If someone tries to force you to transgress one of these laws in secret and not in times of threatened annihilation and only for his own personal advantage, give up your life and do not commit the transgression. Your life does not outweigh them, says the law of God. 64

If, however, you do not trust your own strength to endure such a trial, then flee from the land where your most valued possession is in jeopardy. Flee! God's eye accompanies you everywhere, and God's earth is everywhere. 65

If, again, force is used, not to compel you to transgress a commandment, but to make you abstain from performing one, then you should not sacrifice your life, since the performance of your duty is being made impossible for you without your being able to prevent it. 66

Where the law says: 'Neglect this duty and save your life,' or 'Transgress this commandment and save your life,' you may not sacrifice your life—unless, indeed, such sacrifice is demanded for the sake of the further observance of the Divine law, because through such sacrifice you kindle anew in the souls of your brethren attachment and love to the law of their God. Otherwise, you should save your life, for God values the life which you preserve for further service to Him more highly than abstention from this sin or the performance of that duty; and you may not sacrifice your life when your Father in heaven desires it to be preserved (see also chap. 97). 67

So, too, in the case of illness. If it is a dangerous illness, you may seek to cure it by any means, except by transgressing the laws against 68

¹ The question how far exactly the Sages extended the application of these laws requires further investigation; it is settled that even the most distant approach to immorality is on the same level in this context as the actual commission (*Sanhedrin*, 75a). Perhaps, similarly, whether offences against the property, honour, etc., of a fellow-man are on the same level as an offence against his life. For it says: 'To steal even a farthing from a man is like robbing him of life' (*Choshen Mishpat*, chapter 359, and para. 337 of this publication), and the use of the property of others to save one's life is allowed only where there is an intention of repaying it (*ibid.*). So, too, the law places offences against the honour of a fellow-man—*viz.*, slander, לשון הרע, on the same level as the three offences mentioned (*Arachin*, 15b; and also para. 390 of this publication). See on this שו"ת בנין ציון by R. Jacob Ettlinger, chapters 167–9.

idolatry, immorality and murder. If it is not dangerous, you may seek to cure it by any kind of forbidden food, provided it is consumed not in the usual way—and with anything the use of which is forbidden, provided it is not used in the ordinary way. Only the mixture of meat and milk and the mixed species of the vineyard are forbidden to you as a cure, except in case of danger. Things forbidden *derabbanan* may be used in the ordinary way as remedies even where there is no danger, but if eaten and drunk deliberately in the ordinary way they may be used as remedies only in case of danger. Food, for example, mixed with gall or the like, which would otherwise be uneatable, comes under the heading of ‘an unusual form of consumption’ (Y.D. 155 and 157; O. Ch. 466; M.A. 2).

IO

TRUST IN GOD

אמונה

Ye shall not try the Lord your God, as ye tried Him in Massah.

DEUT. VI, 16.

Know therefore that the Lord thy God, He is the all-ruling God; the faithful God, who keepeth covenant and mercy with them that love Him and keep His commandments, to a thousand generations; and repayeth them that hate Him to their face, to destroy them; He will not be slack to him that hateth Him, He will repay him in the circle of his desires.

DEUT. VII, 9ff.¹

69 *Emunah*, trust in God, means to hold fast to God, to His promise, to His law, to His grace, even though His ruling hand does not show itself in our experience and the fulfilment of His promises seems to lie far away, even though obedience to His law seems to threaten extinction and all claim to His grace seems to have been forfeited through sin.

70 ‘In God’—God tells us that He is the all-powerful, all-wise, all-just and beneficent God. Yet if you were to seek to follow His traces in the ordering of the world and society, you would find everything but not God. You would see the power, the caprice, the cleverness, the mind of man in control; you would see the righteous suffering and the unrighteous bearing themselves proudly; you would see folly succeeding

¹ See Hirsch's *Commentary on the Pentateuch*, *ad locum*.—Ed. Note.

and wisdom put to shame; you would see chance apparently making sport of the happiness of men; you would see a generation perishing in sickness and need, in war and hunger, and in vice. In astonishment, you ask: Where, then, is the omnipotence that controls the feebleness of man, the wisdom that rules over his folly, the justice that requites each according to his deeds, and the goodness that desires the well-being of its creatures? Then *emunah* comes up to you and makes intelligible to you the purposes of the Divine power, wisdom, justice and goodness. It bids you consider that, if the omnipotence of God suffers violence to flaunt itself unchecked, if His justice distributes suffering here and joy there, if His goodness looks idly on at the distress of the human race, then His wisdom must of necessity recognize the arrogance of violence, the maldistribution of the good things of life and the distress of mankind themselves as just and good, and these things must represent justice and goodness, although you do not comprehend it. For will you with your limited intelligence comprehend the plan of God's wisdom? *Emunah* teaches you to hold fast to God, even if heaven and earth should testify against it.

Look at the hint which the Torah gives you (Deut. vii, 10). Will you criticize God's justice? Do you understand the justice of God? Suppose that what seems to you to be injustice is the product of the highest justice? You are dumbfounded by the prosperity of the wicked. See, says the law, God is just; He rewards for their goodness even those that hate Him and would gladly see Him removed from the scene in order that there may be no bar to their wrongdoing. Even these God rewards for the good they have done, but He rewards them in the sphere of their desires—'in the sphere of their desires He repays them.' If their activity is selfish, if it consists in earthly, external wrongdoing, if it aims only at external, and therefore transitory, prosperity and joy, then their reward also is only in the transitory. Let them enjoy their transitory wrongdoing, wealth and prosperity, and perish like what they have acquired. But for those who seek only God, and choose the fulfilment of His will as their life's task, for those who pursue only the eternal, the reward is also eternal. For a thousand generations they remain as a blessing with their doing and striving, their suffering and sacrifices. Look at the Patriarchs! The whole of humanity was to be their reward here below, and they themselves were without home or country, living in the future. Are you really good? Can you rate so high the transient well-being of the wicked? And see, says the law further; only those that hate Him, only the incorrigible, does God reward within the sphere of their desires. To those who are capable of improvement God gives suffering in order that they may improve themselves, and misfortune is their greatest good fortune, while good fortune was their greatest misfortune. Let silence

therefore hide your lack of understanding and hold fast to God. History is just, for its Director is the perfectly just One.

- 72 'In His promises.' Whatever God has taught you about the future through the mouths of His servants the prophets, in order that you may not be deceived by the quickly changing present and that as far as lies in you you may guide your course towards this future, and that when the future has become present you may understand that present—all that is true, for it has been spoken by God, Who is Truth. It will come to pass, for the omnipotent God Who controls all events has revealed it as the object of His world-governance. And will you doubt its truth, its fulfilment, because, in your short-sightedness, you can perceive no trace of this future in your present, but, with every day, see the fulfilment becoming more distant, more improbable, more impossible, as you say? Is it not the omnipotent God Who has spoken it, and is not His seal, from the beginning to the end of His Empire, Truth? Instead of contrasting the present as you see it with the future, should you not rather understand your present itself in the light of this future, as a bridge within yourself of chastisement, of trial, of training, and, having thus grasped its significance, endure to the end this transitional stage while holding fast to God's truth? Again, look to the rock whence you have been hewn and to the hammer which has hewed you, look to your fathers and to God Who brought them up. Abraham was to become a people—and till he was a hundred years old he did not have that son who was to be the first stone in the edifice of the people! A land was promised to them, and they had no home—he had to beg for four cubits of earth in which to bury his wife. His family was to become a nation—and it was doomed in four hundred years of suffering to be stripped of everything, up to life itself, which makes life fit for human beings. But they had *emunah*, they endured to the end, and their constancy was rewarded by the event.
- 73 'In His law.' God the Eternal, Who guides the course of history and foresees it all, Who has already announced even your appearance on the scene in His law, God gave you the law by which to conduct your life and gave it to you for ever. Therefore it is eternal, like its author, the Eternal, and therefore you, Israelite, must hold fast to this law, whatever the times and the countries into which your God leads you. The soil, the environment, the period, the stage of your life may change, but your duty in this life is always the same, your mission to be man and Israelite is eternal, the word which proclaims and explains this mission to you is eternal, for it is the eternal God Who proclaims it to you. Will you then in face of the eternal God and His eternal law perpetually speak of *your* times, how this or that is no longer suitable

for *your* times, how the performance of your duty involves too many hardships in *your* times? As if God had not foreseen your times also at Sinai; as if God does not hover over His faithful ones in your times also; as though you ought to bring down the eternal law to the level of the convenience of your own time instead of educating every age up to the level of the law. The law no longer suits your times? Say rather that the times are no longer fit for the law; but the very fact that they are no longer fit should be a proof to you that present-day Jews have strayed far from the eternal duty of man and Israelite, that they have long since abandoned the one true teacher, the Torah, and adopted an independent attitude towards it, that they draw up their plan of life without regard to the spirit of the Torah and then say in excuse that they find the Torah a hindrance and that since they wish to be and do this and that they can no longer remain Jews. My good friend, who tells you, then, that as a Jew you ought to be and must be this, that, and the other? That you, as a Jew and therefore called upon to serve the eternal God, should bow before the idol of self-seeking and the idol of wealth and the idol of pleasure? But, young men and women of Israel, look back to your fathers and mothers! See how, through the centuries, they endured insult and contempt, misery and death, and, as they breathed out their souls, counted themselves happy that they could transmit the Torah and the spirit of the Torah unsullied to their descendants; how, in their wanderings through every land and every age they lived only for their Torah. Nor did they perish, but they lived and still live in the Torah which has been preserved through them, and in the life which is to blossom for you through the Torah. Open the Torah, learn it, understand it, learn from it your eternal mission as man and Israelite, dedicate yourself in your own age, in spite of the age, with the age, with all that it offers and all that it withholds, to the performance of the eternal Torah; dare to do it, and, if you are the only one, dare to be the only son and the only daughter of Israel—in every age. Alone, you say; you by yourself against so many—what would be the use? Consider now: Abraham was also only one when God called him. And when the children of Israel fell into sin and they were all doomed to perish, God wished to continue the mission of His people through the one man Moses. God does not *count* His faithful ones, and you also should not count them. But what of the mockery and ridicule of your surroundings, of the difficulties of life, of your progress? Count upon God, Who is with His faithful ones, with every word and deed that is undertaken in His spirit. And if you truly understand yourself, you will not hear the mockery, you will not see the sniggers, you will not heed the sacrifice. It is God Whom you serve. You will not even make any sacrifices, for you will long before have made provision for them in your plan of life. And what you cannot do as a Jew will not exist for you.

- 74 'In His grace.' Hold fast to this above all, in the inner struggle between duty and sin, between the spirit and the brute.

You have lived all your past life for yourself, not for God; you have worked for everything except God. Now the scales fall from your eyes, you survey your past life and find it so poor, so poor in the one thing which enriches life, poor in God and in work for God. You clasp your hands above your head and despair of the possibility of improvement, you despair of your better, more Divine self, which has never yet revealed itself to you. You despair of the grace of God being vouchsafed to one who has grown grey in sin.

Or perhaps you have struggled, struggled long—you have fought the fight against sin during the whole of your life, but without success; the struggle is renewed every day, and the brute in you grows ever stronger and you yourself grow ever feebler. You despair finally of victory, you doubt whether God has His eye on you any more, whether He will at last let you be victorious, and you are about to throw yourself into the arms of sin for ever.

Then *emunah* comes forward and points to the air which you breathe, the earth which still carries you, the world around which still greets you, the life and existence which you still possess, and bids you learn from all of these that wherever you have fallen the fatherly eye still looks on you, that as long as you are numbered among the living, God's grace still sustains you, God's arms are open to you, God's word ever rings forth saying: 'As I live for ever, saith the Lord, I have no joy in the death of the dying but that he should repent of his ways and live.' *Emunah* teaches you to hold fast to God's grace, to venture the battle, to renew it constantly, and to await the final victory.

- 75 Thus *emunah* becomes the basis of your life, it sustains you in life and death, in joy and sorrow, in the outer and the inner struggle, it gives you strength and courage to work for God, it even holds you aloft above life and its vicissitudes. And if the fear of God teaches you to fear God, *emunah* teaches you to fear only God; and if the love of God teaches you to make God the common factor in all your strivings, it is *emunah* which provides a fulcrum for your endeavours, so that you who are otherwise a changeable creature, become unchangeable like the God to Whom you cling. And so Israel's sweet singer has already summed up the lesson of *emunah* in the words: 'Rest unmoved in the mutations of the earth and feed thyself on *emunah*' (Ps. xxxvii, 3).

- 76 And what is this *emunah*? Thoughts about the greatness and goodness of God are its source, producing in the mind fear and love of God. The proof of such greatness and goodness lies in the past history of our ancestors, in which God is revealed; on such revelations of God in

history you should base your life and trust; for God revealed Himself in these dispensations precisely in order that later generations might perceive His goodness and greatness and cling to them. Build up your life on this foundation, and do not ask for miracles in your own life to prove the existence of God before you are willing to trust Him and perform His commands. Do not say: I will try it once, I will carry out this command just for once and see if God gives me good luck, and if so I will serve Him further. You cannot try God in this way, for you do not know what is really good and bad fortune for you, nor do you see how God performs wonders for you daily. In a word, you must not fulfil a law in order to obtain for yourself an abundance of good fortune, but only in order to fulfil your mission as man and Israelite.

None the less, the Sages teach that if you are in distress and you say: I will perform God's command, God protects His followers, you are quite justified in doing so, for obviously you have already grasped that God's command leads to salvation and have no intention of putting it to the test. 77

II

TRAINING THROUGH SUFFERING

צרות

Consider all the way which the Lord thy God hath led thee these forty years in the wilderness, that He might afflict thee, to prove thee, to know what was in thy heart, whether thou wouldst keep His commandments, or no.

And He afflicted thee, and suffered thee to hunger, and fed thee with manna, which thou knewest not, neither did thy fathers know; that He might make thee know that man doth not live by bread only, but by everything that proceedeth out of the mouth of the Lord man doth live. Thy raiment waxed not old upon thee, neither did thy foot swell, these forty years.

And thou shalt consider in thy heart, that, as a man chasteneth his son, so the Lord thy God chasteneth thee. DEUT. VIII, 2ff.

Consider all the privations and sufferings which God made you undergo during your forty years in the wilderness, and how they all turned out for the best; for through them you were to learn your own weakness and the power of God, from your preservation you were to learn the wonderful goodness of God, and from your fidelity or infidelity in 78

suffering your own moral greatness or littleness, and you were to be elevated by trial. Recognize in this way that your sufferings also come from the goodness of God, the goodness of a father instructing and forming, training and elevating a child through suffering and trial. So spoke Moses to our ancestors. But not only our fathers; Israel and each one of us today also is being brought up as by a father with suffering. Without God we live in a wilderness, and only the word of God sustains the individual as His love and faithfulness sustained the whole people with the manna.

- 79 Understand therefore also your sufferings, and give thanks for them as for the truest gift of a father; they are sent to train and to test. As training they teach you to know yourself, your nothingness and your greatness; they teach you to know God, His power and His goodness, and give you strength to live in the active service of God. As test, they promote inner purity, they strengthen the inner powers, and make the pure and strong still purer and stronger.
- 80 'The sufferings of training teach you your nothingness and greatness.' As for your nothingness—when in the hour of good fortune you have received the gifts but in thinking of the gifts have forgotten the giver, when you have called yours what was only lent to you, and in this way arrogantly built yourself upon yourself, forgetting God and His will; when you have overstepped the bounds which God has set for you and have used the goods lent to you to indulge your own caprice—then צרות,¹ sufferings, come into your dwelling and curb your presumption and teach you the limitations of your power; they remind you of the frailty of your health, the feebleness of your wit, the impotence of your will, the instability of your possessions, the inadequacy of your means, which have only been lent to you and must be returned so soon as the owner desires it. צרות visit you and teach you the nothingness of your false greatness, they teach you modesty.
- 81 But they teach you at the same time the imperishable character of your true greatness, the greatness which you ignored. If they take away from you, or even seriously impair, all that you have in life other than your very self—health, intelligence, wealth, friends, position—and show you how perishable is everything on which, as on an eternal basis, you thought to build your prosperity, so that nothing remains to you except your naked heart and the treasures that you find there, at the same time they teach you the lasting character of the greatness which you yourself are, of the goods which alone are yours, which alone are your work, the goods of your inner life to which otherwise you would pay
- ¹ From צור: originally, to press or bind together, to constrict.

Training Through Suffering

no attention—the fear of God, the love of God and trust in God. They also give you the consciousness of having performed and of performing your duty according to your powers. They show you in your nakedness your true vocation as a servant of God.

‘God’s omnipotence and His love.’ If in the abundance of the gifts 82 showered on you you do not behold God the Giver; if, because much has been given to you, you think that you are much, and do not observe that the more you have the less you become, and that while God’s greatness as Giver comes to the forefront your greatness as receiver fades away; if then the thought of God flees from you, and, proudly imagining yourself to be master, you forget that God is your Master and Master of all that is yours, even of that which is in your own hands; then in suffering, in the wilderness of life, you see the omnipotence and the sovereignty of God, how everything is only from Him and through Him and endures only so long as His will allows it, and you bow before His awful greatness and majesty.

But at the same time you learn to commit yourself trustfully to His love, 83 which is ever at hand. If in the midst of poverty you have still found food, if in nakedness you have still found clothing, if in sickness you have been healed, if in misery you have been sustained, if day by day God has started your life afresh and cared for you, and you have learnt from your own experience that man sustains life not only with bread made by his own hands but that he can live on every pronouncement of the Divine love; then, just as you have learnt to fear the omnipotence of God, so you learn to trust in His love.

‘And give you strength to be active in the service of God.’ For only 84 when the possessions of this world fade away and on their departure you look back on them and ask how you have used them, and you confess to yourself that you have misused the goodness of God, and you retain nothing more of these gifts than the painful consciousness of a mis-spent life, and you derive comfort only from those moments in your past on which you can allow your eye to rest with the consciousness that ‘at such-and-such a moment I was good and served God’; only when you are thus brought to realize that your real mission cannot be ‘to have’ but must be ‘to perform God’s will,’ whether much or little has been vouchsafed to you—if, then, suffering has filled you with the fear of God and trust in God, will you not recognize in these sufferings themselves the love of God which desires to train up its child? Will you not feel drawn to God in love, and so raise yourself above your previous life, renew your covenant with God, tread the path of repentance, and, with all that remains to you, with all that will yet be granted to you,

step forth from your sufferings to a new life, strong in its purity and dedicated to God? And the strength to lead such a life comes from nothing so much as from suffering. Just because suffering forces a man back upon himself and into himself, and because he is deprived of all external help, every spark of strength which slumbers in him is called forth, all those latent resources of his nature are awakened which, even without external support, can provide him with strength and independence, endurance and courage and self-command. In his outer poverty and degradation all his inner wealth and nobility are summoned to the lists and are nourished and strengthened in the struggle. And to him whom suffering teaches it brings also the strength to perform the law and to carry it out with vigour.

- 85 Thus, suffering is the purification of the inner man, and every pain, every tear, is a source of purity and dedication. Thus, through suffering your Father speaks to you, and it is well for you if you pay heed to His voice, well for you if in the small and great sufferings with which your Father shakes one section of your life—edifice you discern a warning to examine the foundation of your life, to test its course, to note what is damaged and to proceed without delay from knowledge to action.
- 86 But if you are one of the fortunate ones who have remained free from faults and can lift up their faces to God—if you have never been so flushed with pride as to forget your dependence on God, even then God sends you sufferings—if not *לענותך*, to afflict you, since you have never forgotten your dependence, at any rate *לנסותך*, to try you, so as to elevate you and make your life perfect.
- 87 ‘To elevate you.’ For just as the sinner acquires purity through suffering and the weak strength, so the pure acquire even greater purity and the strong even more unbending strength. For the strength which is not used becomes slack, and only from exercise does it recover its vigour. Similarly, the strength of mind and heart grows only through exercise, and the school for such exercise is suffering.
- 88 ‘To make your life perfect.’ Man’s task in life has two sides, joy and sorrow, pain and delight, happiness and distress. Only he who has been through both of them has completely performed his task in life; for each side has its own duties, equally difficult, and to be fulfilled only in it. Will you then, pure as you are, murmur against the trials of suffering? Is not your whole life only a task? Is not every manifestation of your outer life, whatever form your outer life may take, only a different stage for the fulfilment of its duty to serve God? Will you prescribe to your God the place at which He should require your service? Are there not

Training Through Suffering

duties for misfortune, duties to be performed only in misfortune? Is not your life only half lived if you have only joys and no sorrows? Nay, if you really understand your life as a task to be fulfilled, and esteem it only as such, will you know any difference between joy and sorrow, between good fortune and bad fortune? Will you not face either with equal serenity, discerning in each only the task which God imposes on you?

This is also the point of the saying of the Sages: 'If you see that sufferings come upon you, examine your life. If you have examined it and have found nothing blameworthy, then ask yourself whether you are acquainted with the model of the pure and good life in perfect accordance with the Torah so that you may examine your own life by comparing it with that. If you have learnt it and have examined your own life and have still found nothing, then, happy man, know that your sufferings are chastisements of love which God sends upon you because He loves you and because you love Him, in order to reinforce your love of God, to exalt you by trial, to perfect you, and, when you are perfected, to set you up as a pattern. For it is said: "Whom God loves, to him He sends sufferings, and like a father He chastises His son." And it is further said: "He who looks upon his life as a task imposed by God knows no evil"' (*Berachoth*, 5; *Koheleth*, viii, 5). 85

Mark well, therefore, your lot in life, for through it God speaks to you. And just as in the sweet you recognize the task of life and are thankful for it, so recognize it also in the bitter and be thankful for it. And as soon as there comes upon you some suffering which would ordinarily sadden and prostrate a man, then with bruised heart, with a tear in your eye, draw yourself up, man and Israelite, step cheerfully before God and say: *ברוך אתה . . . דין האמת* 'May Thy will be blessed, that is, performed, O true Judge of mankind,' serene in the consciousness that through this devout acceptance and laying to heart of the suffering you are serving God and thereby fulfilling the mission of an Israelite (O. Ch. 222). 90

But it is not only for the individual that suffering is a school and a training. Peoples also owe much to it, and Israel above all owes to suffering the greatness of its past; it performs its great national task only in suffering, and must be trained for its future through suffering. Therefore, sons and daughters of Israel, do not look only at your own lot, but let your eye and your heart rest also upon the sufferings of the whole House of Jacob, to which you belong. It is the understanding and consideration of such collective training by suffering which is called for by the passage we have quoted from the Torah. Understand and consider it. Observe this *Galuth*-school of suffering in which Israel has 91

been trained and tested for a thousand years and more. Every tear-stained page of this history shows Israel its pettiness and its greatness, and God's power and love; it teaches Israel to fear God and to trust Him, to cast off the worship of wealth and enjoyment and to take refuge in the One God and fulfil His will revealed in the Torah. In this light, understand and ponder on your collective destiny and cheerfully perform your task therein. If then you become fully persuaded that your collective life also, this second journey through the wilderness, is not only לענות, a training, but also at the same time לינסות, a trial for your advancement, that you may raise in Israel's destiny and life a memorial to the providence and will of God and the vocation of man, then your heart will beat joyfully, and you will be glad to have been born in the House of Jacob, in spite of all the bitterness which this lot entails, and for this bitterness also you will give heartfelt thanks to the faithful God in heaven Who trains and tries you.

I2

PRIDE AND HUMILITY

גאווה וענוה

Beware lest thou forget the Lord thy God, in not keeping His commandments, and His ordinances, and His statutes, which I command you this day; lest when thou hast eaten and art satisfied, and hast built goodly houses, and dwelt therein; and when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied; then thy heart be lifted up, and thou forget the Lord thy God, who brought thee forth out of the land of Egypt, out of the house of bondage; who led thee through the great and dreadful wilderness, wherein were serpents, fiery serpents, and scorpions, and thirsty ground where there was no water; who brought thee forth water out of the rock of flint; who fed thee in the wilderness with manna, which thy fathers knew not; that He might make thee humble, and that He might prove thee, to do thee good at thy latter end; and thou say in thy heart: 'My power and the might of my hand hath gotten me this wealth.' But thou shalt remember the Lord thy God, for it is He that giveth thee power to get wealth; that He may establish His covenant which He swore unto thy fathers, as it is this day.

DEUT. VIII, II; see also *ibid.*, IX, 4ff.

- 92 Be not proud! Never look upon anything to call it your own, neither your possessions, nor your bodily strength and good looks, nor your intelligence and abilities, but always remember that it is not you who

have procured these things for yourself but God Who has lent them to you, that it is He alone Whom you have to thank for them; nay, more, that He is still Master of them although you call them yours. Think of this and beware of pride.

Everything comes to man from the hands of heaven—strength, wealth, 93
health, cleverness, beauty, and all other good things which man enjoys—
and only one thing is in the hands of man, and that is the fear of God
and the performance of one's duty with everything which God lends
for that purpose. Will you pride yourself then on something which is
not yours, and which you possess through no desert of your own?
Verily, the more God's blessings are showered upon you, the more
ought you to feel God's greatness and your own littleness. The more you
acquire, the less you are, the more you have the smaller you are, for
your duties also increase while your merit on the contrary diminishes.

Survey your life, remember the benefits which God has bestowed on
you and your people. Imagine your life without God's protection and
kindness, and behold, without the protection of God, the stage of every
human life is as much a wilderness today as it once was for your fathers,
a wilderness where every step threatens danger and death, and only from
heaven comes protection and manna for food. See yourself and your
whole past and present in this light only, through God and from God,
and ask yourself whether you can be proud.

You have been diligent, you have worked hard, and you have succeeded 94
in acquiring wealth and knowledge. Quite so; for without hard work
and diligence and toil we get nothing. But will you be proud on this
account—proud towards those who are less rich, less learned? Who is it
then who had to give you strength and opportunity and blessing in
order that you might acquire wealth and knowledge? Is it not God?

Do you then rely on the uprightness, justice and love which you have 95
practised? Count your good deeds—but count also the benefits which
you have received from the hands of God, count also the duties which
God can require of you. Can you point to one good deed through
which you have done anything more than fulfil only a small portion of
your duties to God—to God, to Whom you owe everything, Who had
already conferred benefits on you long before you could recognize
them, much less repay them, and Who at every moment showers new
kindness on you? Do you not perpetually remain in debt to God's good-
ness, even if you have done everything? Are you not in debt even for
this blessed task of striving after God to which He has summoned you;
and will you be proud? Truly, if you have done everything, if you are
really good, through and through, that is just when you will *not* know

the feeling of pride. If throughout your life you had felt yourself to be the servant of God, if you had laboured as the servant of God, if you had felt the blissfulness of such service, and in this bliss had striven upward towards God and had loved Him, loved Him as the One without Whom you are nothing, being something only from Him and through Him and with His support—both you and your deeds—would you know anything of pride? If you became proud, at that moment you would, so far as lies in you, rob all the previous achievements of your life of their value; for what would they be if they were not done with the intention of serving God? But, above all, at that moment you would open the door to sin and would deprive yourself of all capacity for good deeds in the future; for in pride you become careless, and, unnoticed, the beast in you takes you by surprise and breaks loose from his chain, and, forthwith, in pride selfishness awakes and you step out of the choir of God-worshippers and become an idol unto yourself.

96 Beware of pride! Sin has no greater friend than pride. It was pride which, along with lust, caused the first human beings to sin, which made them take the liberty like gods of determining for themselves what was good or evil. It was pride, the pride of possession, which led Cain to murder his brother. It was pride, the pride of possession, which led mankind to Babel, to deny God and deify themselves. It was pride, the pride of possession, which, along with love of pleasure, caused our fathers in the land of God to forget the laws of God and so deprived them of the prosperity which had made them proud. It is pride which even today must precede every sin; for can you in the moment of sin still reflect that what you are misusing is not yours—and if you could think of it would you misuse it? Pride and pleasure-seeking are the begetters of most sins. Pleasure-seeking makes you desire what is evil, and pride impels you to work for it in spite of the Divine prohibition; therefore beware of pride.

97 Instead of pride make modest humility your characteristic, that genuine humility, עֲנוּה, which feels itself really dependent on God with all that it has; which looks upon itself as poor and as rich only in God, and therefore regards everything as being a means lent to it for carrying out God's will. This is the humility which recognizes itself as having been presented to the world and not the world as having been presented to itself, in order that it may bring to every creature with which it comes into contact as much blessing as God lends it strength to produce, and therefore sees in this its only claim to existence. Hence it is poles apart from that false humility which, in order to avoid the need for doing something, feels itself faint and sinks feebly into sluggishness. On the contrary, because it recognizes the claim of all beings on itself, and

knows only this claim, it rouses itself with redoubled strength to beneficent activity, and it reaches its crowning point in חסידות, that noble love which is nothing for itself and all for others, and, forgoing even its legitimate rights, devotes itself utterly and completely to the general good. It is also poles apart from that *false* חסידות which, unlike the true, instead of immersing itself in life and being everything for others, withdraws from life and, while being nothing for itself, is also nothing for others, and leaves others to be for it. The greatest man who ever lived became such through ענוה; this is the only one of the great qualities of Moses which Scripture praises. David too, who was never vindictive and who devoted his whole life both in thought and deed to his people, is an example of חסידות in practice. Acquire ענוה and you cannot sin.

13

COVETOUSNESS

תאוה

Thou shalt not covet thy neighbour's house, nor his field, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor anything that is thy neighbour's.
DEUT. V, 18.

Ta'avah (תאוה) is the longing to make oneself the centre of an ever-expanding circle of possessions, or to draw an ever greater volume of them into one's own range whether in the shape of immediate enjoyment or the means of enjoyment. God has implanted this impulse to self-enlargement in every creature, and has given a share of it to man also, for whom the number of desirable possessions is increased by the category of mental enjoyments and advantages. 98

This impulse is necessary; for on it God has based the economy of His creation, since every being, in striving for itself, unconsciously places itself at the service of the Divine world order, and, while thinking that it serves itself only, serves the world. It is necessary in man also; for so long as man is not aware of his mission to enter the circle of God's servants, or is not so keenly aware of it as to be stimulated to active efforts on its behalf, if he does not possess this impulse he will remain quite inactive and will be the least useful of creatures. Hence God's wisdom has so ordered matters that even the commonest man—and he above all—has this impulse, and so, even though he makes not God or God's world but himself the object of his activity, he is at any rate active 99

in this endeavour, and with this activity, however little he may know it or intend it, is the instrument in God's hands for perfecting the world of Nature and man. But, of course, on the strength merely of this activity he is only on the level of the plant and the animal, and even below them, since he was born for higher things.

- 100 Whereas you, son and daughter of Israel, are to be neither plant nor animal but human being, and in this human vocation you must feel yourself to be called upon to serve not yourself but God, with all that you are, with all that you have and will have, and with your enjoyments and actions, and dedicate yourself freely with your whole being to God. If through this you have become a true Israelite, you will not feel *ta'avah*, you will not strive for any enjoyment or possession for yourself, you will strive in everything for means of doing things pleasing to God. You will be consciously and with set purpose the servant of God in the most animal expression of your animal nature as in the most spiritual expression of your spiritual nature. As a fully-fledged Israelite you will know nothing of *ta'avah*, in which you are yourself the objective. What you want is not to collect around yourself the greatest possible circle of possessions, but to make yourself a centre from which as large as possible a collection of works pleasing to God streams forth, and to take your place, with the whole range of your activities, in the great circle of created beings the holy and exalted centre of which is God.
- 101 But if you have climbed to this highest stage of Jewish life, beware above all of misusing this impulse. In all inferior beings God has set barriers to this impulse itself, in order that no one of them should in obedience to it go beyond what is necessary and good for itself. Their desires do not of themselves go further than this, and therefore this impulse of itself is wholly beneficial. Not so with man. For just because man should of his own free will restrain this impulse with the help of God's law, and at the highest point completely transform it from service of self into service of the world according to the will of God, for that very reason this impulse in him does not of its own accord restrain itself in the slightest degree. It is true that his immediate enjoyment is limited by the mutability of his body. But as against this, he has invented for himself much artificial enjoyment. There is, for example, the striving for possessions which provides enjoyment and is in itself unlimited, since it is not a momentary enjoyment in which the pleasure dies away in the moment of enjoyment, but what it promises and assures is indeed in the future, and therefore offers boundless enjoyment, like the future itself. Hence it comes about that for the man who does not set limits to his unrestrained impulse the universe itself and eternity in the end become too small to satisfy his lustful yearnings.

Unspeakably frightful are the consequences of *ta'avah* when it exceeds 102 the bounds of the necessary and good. It destroys all happiness in life, it perverts all human actions, it tears up the charter of Divinity in man; there is no misery great or small, no sin great or small, which has not its roots in *ta'avah*. What you have has no value for you; only what is not yet yours attracts you, and this, too, loses its value on being acquired. Thus you have no joy in life so long as anything exists and lives and possesses and enjoys outside your sphere. And if you adopt such an attitude of hostility against all other beings and their happiness, you must in the end succumb and be the loser in the fight which is waged by society and the Divine order against one who isolates himself. Yes, all suffering is in very truth nothing other than the product of *ta'avah*; for *tzaroth*, sufferings, are nothing but a limitation of personality. But if you never went beyond what is permitted to you, three-quarters of your suffering would be unknown to you. But in fact you often risk all that is permitted for the attainment of but one forbidden thing—and then you destroy for yourself the happiness of your life.

But above all—for how would the destruction of happiness be possible 103 otherwise?—it destroys all activity worthy of a man and produces only sin and crime. At the moment in which you give yourself up wholly to the *ta'avah* for any object or any enjoyment, at that moment you declare war on all beings around you, on God and on His law, for, dominated by *ta'avah*, you stop at nothing which is within the range of your powers; and when you reach that limit, you lie fuming at the barrier which still lies across your path between you and the object of your desire. Where *ta'avah* draws, *torah* cannot abide, for where mind and disposition set themselves up as the directive forces of life, how can there be room for the law which desires to implant the promotion of the will of God and the salvation of the world as the mission of life? Where *ta'avah* rules, *mitzvah* must give way, for the latter binds you not for your own benefit but for that of others; and *mishpat* also must give way, since it sets up the rights of others as the limit to your pursuit of wealth. *Chok* must also give way, since it declares the subordinate creation to be your brother-creature and fixes the law of God as a limit to your caprice and cupidity. *Eduth* testifies in vain to you in the name of humanity and Judaism, since you have feeling for yourself alone and for the lustful brute within you. Nor can *Avodah* make you virtuous, since you come before God only with your unrestrained desires, and you crawl before Him or feel resentful against Him according to whether He furthers or hinders your desires. Yes, every sin and every crime is only a product of *ta'avah*, for, one and all, they are nothing but a scorning of the Divine law for the satisfaction of one's own desires. Therefore beware of *ta'avah*, of all covetous yearning for objects and enjoyments which

you do not possess, and, above all, for those which God forbids you to pursue. And do not say: it is only my thought and feeling, it is not action. Action will not be absent if you do not master thought and feeling, and before you are aware of it your uncontrolled desire has robbed you of all your Horeb ornaments which conferred on you the dignity of a man and an Israelite, and you are left a naked, lustful, ravenous beast.

- 104 Against this misuse of *ta'avah*, against this longing for enjoyments and objects forbidden by the law of God, particular warning is given by the text which we have quoted, and which, not without purpose, has picked out among all forbidden enjoyments and objects those in the possession of others. For in this prohibition the pursuit of the object is not a sin in itself but becomes a sin only through the idea of the other personality which is associated with it. And where, at the same time, desire is stimulated by the actual sight of the ownership and enjoyment, this is the case in which *ta'avah* comes most sharply into conflict with the prohibition and is most quick to scorn it.
- 105 How then can you guard against unbridled *ta'avah*? And how can you attain that high level of character in which *ta'avah*, cupidity, is changed into *ahavah*, love of the Lord? Only one thing can lead to this, and in it lies all virtue and all happiness. This one thing is to have a proper idea of life. Value your life not according to possessions and enjoyments, but according to good deeds; and again value your actions only according to their relation to the means which you possess and acquire. It is not how much or how little you *have* that makes you great or small, but how much or how little you *are* with what you have, how much or how little you utilize what has been lent to you for action in the service of God—that is it which makes you great or small. And if with your little you have fulfilled three-quarters of your duties while another with his plenty has done only one-quarter of his, even if this one-quarter were incomparably more than the three-quarters you have done, you are still greater than he. For your whole life is only a task, and your possessions and enjoyments means for performing this task; the provision of the means belongs to God alone, while the performance of the task according to the scope of your means constitutes your only greatness. Certainly it is part of this task, where you have the power and where religion allows, to pursue these good things and these means of enjoyment, not, however, as an object in themselves but as a means of fulfilling the duties imposed by God. Only so will self-sufficiency and contentment, and with them happiness and virtue, be your lot; you will remain serene and good in every position in life, whatever be the extent of your possessions and enjoyments.

SELF-SANCTIFICATION

התקדשות

And now, Israel, what does the Lord thy God require of thee, but to fear the Lord thy God, to walk in all His ways, and to love Him, and to serve the Lord thy God with all thy heart and with all thy soul; to keep for thy good the commandments of the Lord, and His statutes, which I command thee this day? Behold, unto the Lord thy God belongeth the heaven, and the heaven of heavens, the earth, with all that therein is. Only the Lord had a delight in thy fathers to love them, and He chose their seed after them, even you, above all peoples, as it is this day. Circumcise therefore the foreskin of your heart, and be no more stiffnecked.

DEUT. X, 12-16.

For I am the Lord your God; strive therefore for holiness, and ye will be holy; for I am holy.

LEVIT. XI, 44.

Sanctify yourselves therefore, and be ye holy; for I am the Lord your God.

LEVIT. XX, 7.

Son and daughter of Israel, recognize your mission in what the Lord 106
your God requires of you, and render yourselves fit to fulfil it properly. This fitness lies not in the possession of material means, nor of knowledge, nor of skill, but first and foremost in purity of heart, in sincerity of disposition, and in holiness of endeavour. It lies, above all, in keeping your heart and disposition free from anything which can come between yourself and your mission, and filling them with that whole-hearted devotion which your mission requires. See, my friends, it is not sufficient to take up life's task casually and to bring to it at best the mere *desire* to live the good life. You must first bring yourselves into a state in which you will be able to *live* the good life, otherwise your wish will remain just a wish; and it will be the first of your wishes which will cease to be even a wish.

God's law itself teaches you what is the principal requirement: Circum- 107
cise the sensuality of your heart, break the obstinate pride of your nature, and then seek to acquire holiness. You have already recognized that *ta'avah* and *ga'avah*, lust and pride, are the begetters of every sin and the enemies of a Divine mission; and everyone carries them in himself—one more, one less, one consciously, another unconsciously. Subdue them and root them out to the last fibre. This is the work to which this text summons you; and then when you have cleared the field, plant in it holiness, which dedicates your whole being to the service of God.

- 108 The first requisite for this is self-knowledge. You must know yourselves, your heart and disposition, and find out without any self-deception how much lust and pride are lodged in it, and where and how they chiefly show themselves; no corner of your self should remain strange to you. Then resolve unshakeably to free yourselves from these deadly enemies. Keep a close watch upon yourselves, note every impulse of your heart and nip in the bud every impure wish; keep guard over your disposition and humble all pride and break down all obstinacy. Impose tasks upon yourselves, for practice forbid yourselves even what is permitted, spur yourselves to do more than you are in duty bound to do. This will make it easy for you to avoid what is forbidden and to perform your duty. Close every day with self-examination, to see how your heart and your feelings have behaved during the day, whether you have gone forward or backwards, whether your heart has become purer and your disposition more modest, or whether weeds have sprung up thickly in your heart and you have become more obstinate. Be your own clear-sighted, strict and incorruptible judges; do not pardon or excuse yourselves anything, and renew each day the resolve that tomorrow will find you advanced.
- 109 Let everyone see his own reflection in the Torah and learn from it what he should have been and how he should have acted, with his capacities and his resources and powers, in this and that environment, in this and that place and time. This holy pattern should ever float before his eyes; it should be the goal of his wishes and endeavours; it should be the model with which the actual life he has lived during the day should ever be compared. Anything which, in the light of that model, is seen to be a sensual and impure excrescence in his heart should be repressed and extirpated, anything which cannot be fitted into the shape of this model must be broken. What you have already attained must be counted by you as nothing, as merely a guarantee that you can become more. Let the holy model in which you see yourself entice you ever forward.
- 110 This living with one's self, this cultivation of the inner self, must begin when one is yet boy or girl, when the weeds are still young and the neck is only beginning to grow stiff; and it must end only with death. He who does not from an early age exercise himself in this inner intercourse with himself, which God alone beholds, becomes a prey to inner distraction; he goes through life from the cradle to the grave without attaining life.
- 111 You say it is difficult? Yes, certainly it is difficult. But just as the door stands wide open to him who runs after impurity, so God Himself helps

him who makes purity his aim. Only make up your minds to strive earnestly for holiness, and you will become holy, for I the Lord am your God—so our text proclaims. In order that you may have your daily bread and not die physically, you equip yourselves diligently and early with knowledge and skill; but when it is a question of ensuring that, with all this physical life, you may still not be dead to your true vocation in life, dead to your true life in the spirit and practice of Judaism, dead to your God—when it comes to this you speak of difficulties and labour! Is it not your duty to promote and guard the well-being of every creature whom God places in your circle? Very well then, begin this welfare work with your own inner self.

Let us hear how the son of Jair, who had himself climbed to the topmost rung of Israel's spiritual ladder, describes the steps which gradually lead up to this climax. Torah, he says,¹ leads to watchfulness, watchfulness to diligence, diligence to blamelessness, blamelessness to 'abstemiousness' (*i.e.*, keeping well within the permitted limits), abstemiousness to purity, purity to holiness, holiness to humility, humility to the fear of sin, the fear of sin to Divine inspiration, and this last-named to devotion out of love (*chasiduth*). The meaning is this. Knowledge of the Jewish vocation proclaimed in the Torah brings first of all the awareness of the difference between good and evil and with it the first impulse to avoid evil and pursue good. This leads to watchfulness, which in turn leads to diligence. Watchfulness, being on guard against evil, first develops into blamelessness, avoiding in your conduct every actual wrongdoing and not allowing evil to enter into your actions. Then it leads to 'abstemiousness,' which—still in the sphere of the outer life—consists in avoiding even the approach to wrong and abstaining even from what is permitted when it borders on the forbidden. From this comes first an inner acquisition, in the shape of holiness of heart and mind, in which you suppress every suggestion and thought of evil; then holiness, in which all forbidden desires are extinguished; and then humility, in which all pride has vanished, and in which, sacrificing yourself, you know only of the claim of God and the world upon you. You then acquire strength in the fear of sin, in which, rising above all thought of yourself, you fear only sin. You become inspired, having reached a pinnacle where you understand life and its goal, survey every moment separately and, illumined by God, discern what is good and salutary in it. Through this strength and this spirit you become a *chasid*, a saint, a man who, being nothing for himself, is everything for others and lives only for the welfare of the world around him.

Note here two things. First, how each stage of internal excellence is attained through self-discipline in the outer life, through doing and

¹ According to the reading of the *Yerushalmi* adopted by Alfasi.

abstaining; secondly, how *perishuth*, abstinence, is only a very early outer stage on the way to *chasiduth*, the highest. Do not therefore abuse the term *chasid* by applying it to men whom you know to have only *perishuth*, which, as already observed, even where it is pure, is only a disciple's stage on the way to the master's quality which is *chasiduth*—not to mention the case where what you perceive is not even *perishuth*, but the mere outward gestures of holiness.

15

HATRED

שנאה

Thou shalt not hate thy brother in thy heart. LEVIT. XIX, 17.

- 113 Hatred is the feeling that the existence of any being is a hindrance to our own existence, and that the destruction of that being would make our own existence more complete. In other words, it means that we do not feel ourselves *whole* so long as this or that is still existing. This feeling is the death, nay, the complete inversion, of the human heart, which God has created for the comprehensive embrace of all beings, but which instead excludes one or all beings to the extent of desiring their non-existence, and embraces only itself—in fact becomes a stone. As soon, therefore, as you perceive hatred springing up in your heart against any being, know for certain that you have failed to attain your proper moral level.
- 114 It is a sad privilege of man that he is able to love and fondle every creature and yet to hate those of his own species! Hatred between man and man arises from the fact (1) that one has in fact injured the other with wrongful word or deed and so has really endangered his existence; or (2) that they come into conflict in the pursuit of the same objective, and so apparently frustrate one another.
- 115 This feeling should never remain in your heart against any man. He is, after all, your brother, a child of the same God, placed in the world by Him with the same claims on life. If you hate him and wish him away, then you hate and wish away the hand of God, which has placed your brothers next to you in order that you may esteem them as brothers. Even if he wrongs you, do not forget that he is your brother. Be sorry that your brother can make such a mistake, reprove him—and forget.

But consider above all whether it is not altogether a delusion, a falsehood, that the existence of any human being can do harm to your existence, that his destruction is necessary to save you? Is it then your fellow-men, is it you yourself, is it he, who procures for you the means of existence? Can you do anything more than sow the seed with your industry and await the fructifying blessing from above? Is it not God Who distributes all the means of life, Who showers down blessings or curses on the labours of man? And is His hand too weak, His love too niggardly, to bring into life, to sustain and to give the joy of life to you and to millions more with you? Must He withdraw from you the blessing which He apportions to your brother next to you? And if your brother were eliminated, would not your well-being even then still depend, as it does now, on the same all-ruling providence of God? Ah, if you would but consider that you will still obtain such recognition as God ordains for you, that you will still occupy the place which God assigns to you, that you will still receive the sum of possessions which He determines for you, even though millions more along with you strive for the same thing; and that if you do not get something, it is not because another competes with you for it, but because God's wise decision has not ordained it for you. Do you not see that the greed for food, honour and fortune which makes you hate your brother is a denial of God, a denial that it is one and the same God Whose love covers all men equally and Who, as Supreme Ruler, determines the lot of each one? Lay the seed of your own good fortune alongside millions of others, and pray to God that they may all come to fruition for the good of all. He is rich enough in love and power to fulfil such an unselfish prayer. 116

But, you say, it is the sinful word or deed of your brother which, like a lighted torch thrown into a building, has shattered your life and fortunes; shall you not hate him for that? Hate? No! In this, too, pay homage to the providence of God, which, high above the comprehension of the human mind, makes the very crime of the wicked the punishment and discipline of the one who is to be improved, the testing exercise of one who is capable of being taught. Could the edifice of your fortunes be shattered if God did not allow it? Could it not equally have been destroyed even if no sinner had furnished his crime as the instrument? Accept this suffering therefore like any other from the hand of God and use it for your own improvement or ennoblement. Wait for God, Who leads from night to morning, from sorrow to joy, from death to life. Leave it to God to bring the wicked to account for his wickedness, but do not hate, do not sin through hate. Has he sinned against you, reduced your property to ruins? Has he not sinned against God and laid his sacrilegious hand on the holy things of God? 117

- 118 Hate wickedness, but not the wicked man. Only where a wicked man has so identified himself with wickedness that he is to you the very source of wickedness, where it is difficult to separate the wicked man from the wickedness, him you may hate, for you hate only the wickedness in him. Such a one is the criminal whom you regard as beyond redemption, as one who does evil consciously and deliberately, of whose incorrigibility and premeditation you have convinced yourself through repeated and fruitless warning and admonition. Worst of all is the seducer, who is not only wicked himself but sows the seed of wickedness in others and brings it to maturity, who sets himself to kill morality and godliness in the soul of even one man, nay, who makes this his only object. Such a one has the all-loving God Himself excluded from the love and the pity of the human heart. Such a one you may not love, for in him you love sin itself, the agent of which he has made himself.¹

16

LOVE

אהבה

Bear love to thy neighbour as to thyself: I am the Lord.

LEVIT. XIX, 18.

- 119 Love all that I have placed by your side, feel that its existence is necessary for your existence, its welfare for your welfare; feel even that your existence, your welfare, your vocation is completed only by its existence. Let your soul be linked with its being; I am the Lord, Who loves all, and calls upon you, man, to be the instrument of this love. With this injunction your God breaks open the seal of your heart, and bids you make a covenant of love with everything which bears the stamp of its Divine origin and has not itself given the lie to it (see para. 118). He bids you embrace all the children of God with a loving heart.

- 120 To see in your fellow-man something else than merely your rival for the acquisition of the good things of the earth, not to look upon his good as an encroachment on yours, to let your neighbour have the spot of earth on which God has set him—as He has set you on yours—and even to let him prosper on it—all this amounts merely to not hating him, not yet to loving him. To love your neighbour means to see in him the one condition of your own existence, of your own welfare, of

¹ *Sifri* on Deut. xiii, 9.

your fulfilling your mission as man and Israelite, and so, in the desire for your own being and living, to include the desire for your neighbour's also.

The indispensable condition of your being, your welfare and your mission—who could be so dull as not to feel this? Imagine for a moment that all your fellow-men whom God has placed at your side have disappeared, and that you are alone on the desolate earth. What would be your existence, what pleasure could you have—still more, what would become of your mission, if you were not able to love and do kindnesses? You have been created to be a blessing—and you would have no one who would receive your blessing. You have been born to do kindnesses; you are meant to support, to sustain, to comfort, to instruct, to nourish, to make happy, to revive, and you would have no one for whom you could do all this. And do you not see that it is only in association with mankind as a whole that God endows your work with permanence? Mankind takes up the work of each individual and, itself undying, becomes the heir to it. Without it, your work would be but a dream. 121

But we can go still higher. I, the Lord, the personification of love, am Father of all beings around you, have called them all, like you, to life and well-being. If you love Me, and because you love Me, love My children; rejoice in their well-being, see in each My work, My child; in his welfare the prospering of My work and My child, in his woe the decay of My work, the suffering of My child. Love therefore the master in the work, the father in the child. 122

Finally, I am the Lord, the personification of love, Who has chosen man to be the instrument of this love. Do you, man, not see how this love is the finest flower of this mission? How do you raise yourself above the stone and the plant and the animal? Is it not through devoting yourself of your own free will to the welfare of the world around you? And this is just what love effects. Your whole activity belongs to God's world; first, then, belong to it with the source of your activity, with your heart. Carry in it love for God's world, above all for your fellow-man, the first and worthiest recipient of your beneficent activity. Carry love in your heart; it is this which makes you a man and an Israelite. 123

This love in you, if it is genuine, expresses itself in deeds with which, to the best of your ability, you promote the progress of the world around you to that state of welfare in which your love requires that you should desire to behold it. The rules that should guide you in the practice of this love, so that you should not do mischief under the 124

mistaken impression that you are promoting welfare, are revealed in the whole of the Torah. In respect of your fellow-men this is the rule of 'love your neighbour as yourself,' which consequently, as a positive commandment, belongs to the *mitzvoth* (see chap. 91).

17

COMPASSION

רחמים

Harden not thy heart . . . against thy needy brother. DEUT. XV, 7.

- 125 Compassion is the feeling of sympathy which the pain of one being of itself awakens in another; and the higher and more human the beings are, the more keenly attuned are they to re-echo the note of suffering which, like a voice from heaven, penetrates the heart, bringing to all creatures a proof of their kinship in the universal God. And as for man, whose function it is to show respect and love for God's universe and all its creatures, his heart has been created so tender that it feels with the whole organic world, bestowing sympathy even on beings devoid of feeling, mourning even for fading flowers, so that, if nothing else, the very nature of his heart must teach him that he is required above everything to feel himself the brother of all beings, and to recognize the claim of all beings to his love and his beneficence.
- 126 Do not suppress this compassion, this sympathy, especially with the sufferings of your fellow-man. It is the warning voice of duty, which points out to you your brother in every sufferer, and your own sufferings in his, and awakens the love which tells you that you belong to him and his sufferings with all the powers that you have. Do not suppress it! If you thrust it back too often, it will no more well up of itself, and you will have cut yourself off from the company of all your fellow-creatures, you yourself will have destroyed the first proof of your mission as man and Israelite. Your heart becomes a stone, and there no longer sounds in it the voice of God, reminding you of your mission.
- 127 Do not suppress it either as the disturber of your own comfort. Rather see in it the admonition of God that you are to have no joy so long as a brother suffers by your side. Do not suppress it because you feel it

Compassion

calling on you to share your possessions. Rather let it be a sign to you that your property does not belong to you, but that God has given everyone in need a claim on it. Do not suppress it out of shame for an unbecoming weakness, out of shame for that which God has given to you yourself as the warranty for your noble mission as man and Israelite. When the sigh of suffering humanity elicits a kindred sigh from you, when its sorrow makes your countenance also sad, and the tear of sympathy comes into your eye—then you are ennobled; that is what proves to you that you are man and Israelite.

Yet be on your guard against letting sympathy degenerate into a 128 hypersensitivity which identifies itself with the sufferers to such an extent that it retains no composure or power or strength to help. Such excess is fatal to the performance of the duty to which sympathy calls you. Rather accustom yourself at an early age to give practical help to suffering of every kind (Y.D. 247).

18

RESENTMENT

נטירה

... nor bear any grudge against the children of thy people.

LEVIT. XIX, 18.

- 129 Leave no room in your memory for wrong or insult which you may have suffered, even though you may not have desired to act in that spirit immediately. Quickly replace in your heart the love which your brother himself may have frightened away from it. However he may have behaved towards you, retain for him the love which God requires of you as for His child, and which you owe to your brother not merely as repayment for life.
- 130 If your brother has wronged you in your property, forget it at once, even if he has not asked you to do so; what he took was not yours, and he did not take anything from you. Where injury has been done to your person or honour, be easily appeased as soon as your brother asks for forgiveness and desires to be reconciled. He who soon forgives is soon forgiven. If you are really good, if *ענוה*, humility, is one of your qualities, you will forget hurts and insults without pardon being asked of you; like the well-known *chasid*, you will never lie down to sleep without being reconciled with the whole world, all of which God covers with the wings of His peace.
- 131 Your forgiveness must be real and complete, so that no trace of rancour remains in you. It must be a genuine restoration of the old brotherly love; what has happened must be really obliterated. Do not deceive yourself. It is so easy not to perform this duty. If left to itself the mind long remembers insults and injuries, even after forgiveness has been asked, even after reparation has been made; it goes on saying: 'How could a man behave to me so? We can never be the same friends again.' And so a feud goes on for generations, separating those whom God would wish to see united.
- 132 Not so, you, Israelite. Your God requires you to forget, therefore forget. Practise this duty; start early and it will come easy to you; it is never difficult if you have *ענוה*, humility (see para. 97).

LISTENING TO EVIL

קבלת לשון הרע

Thou shalt not give ear to empty talk.

EXOD. XXIII, I.

Do not listen to malicious talk which tells you something derogatory 133
about your brother or sister. If you have listened to it, do not accept
it so far as to let it have the slightest effect on your love and esteem
for your brother or sister. You know (chap. 53) that your brother
can have committed no crime so great as that which the tale-bearer is
committing at that moment; and though he is in other respects most
worthy of your esteem, at this moment he stands before you as a
miscreant; you must not listen to him, much less give the slightest
credence to his talk.

For if you listen to him and take in what he says, then you make your- 134
self a partner in his crime, and, as our Sages point out, incur even greater
guilt. For if men pledged themselves not to listen to any evil talk, the
evil speakers would cease of themselves. Thus it is by listening to evil
talk that you make tale-bearing possible. And if you give credence to
it and let it affect your attitude to the person calumniated, then you
complete the crime of the calumniator; for you bring to ripeness the
seed of hatred which he tried to sow, and if you did not withdraw
love and esteem from the victim, the crime of the calumniator would
evaporate in the attempt and would remain unfinished.

If you are warned of designs which someone has on your property, 135
your honour, your happiness, your life, prudence demands that you
should guard yourself as if it were true; but go on thinking, esteeming
and loving as if it were completely false. This is required by the love
and justice which according to God's commandment you owe to your
neighbour even in your mind and your heart.

JUDGING ONE'S NEIGHBOUR

דון לכף זכות

In righteousness shalt thou judge thy neighbour. LEVIT. XIX, 15.

- 136 The obligations which this command imposes on the judge belong to *Mishpatim* (see chap. 54). Here we shall derive from it an important duty for everyone and for everyday life.
- 137 Why are we so quick to judge our neighbour? On the strength of a mere rumour, without hearing the man himself, without first calmly considering all the possibilities, we cast the stone of reprobation against our neighbour, and kill in our hearts the esteem and love to which he is entitled.
- 138 Not, however, if you pay proper heed to this injunction. You will retain your good opinion of your neighbour unimpaired until his guilt is irrefutably proved and shown to admit of no excuse. Nay, even if you see him sin with your own eyes, or if credible witnesses testify to his guilt—you are not the judge; for you, justice in this case means love; and in this love he finds his most trusty advocate, who excuses his act wherever possible, or at least looks for mitigating circumstances. 'Be circumspect in judgment; take always the more favourable view.' These are utterances of the Sages, which assure life and welfare. And even if you have been deceived sevenfold, even if you have made a mistake a hundred times, yet never depart from this rule in judgment. Better that a hundred should be judged too favourably than that one should be wronged in judgment. You may never be able to forgive yourself for having judged even a single man too harshly in your thoughts.

Section II

EDOTH

עדוֹת

*Symbolic observances representing truths
which form the basis of Israel's life*

In his *Nineteen Letters on Judaism*, S. R. Hirsch defines *edoth* as follows: 'Symbolic observances. Monuments or testimonies to truths essential to the concept of the mission of man and of Israel. These testimonies are symbolic words or actions which convey a lesson to the individual Jew, collective Israel, or mankind in general.'—*Ed. Note.*

PROHIBITION OF WORK ON SABBATH

איסור מלאכה בשבת

And there was evening and there was morning, the sixth day. And the heaven and the earth were finished, and all the host of them. And on the seventh day God finished His work which He had made; and He rested on the seventh day from all His work which He had made. And God blessed the seventh day, and hallowed it; because that in it He rested from all His work which God had created in order to complete it.

GEN. I, 31-II, 3.

Ye shall observe My sabbaths, and reverence My sanctuary: I am the Lord.

LEVIT. XIX, 30.

Six days shalt thou labour, and do all thy work; but the seventh day is a sabbath unto the Lord thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates; for in six days the Lord made heaven and earth, the sea, and all that in them is, and rested on the seventh day; wherefore the Lord blessed the sabbath day, and hallowed it.

EXOD. XX, 9-II.

Six days shalt thou labour, and do all thy work; but the seventh day is a sabbath unto the Lord thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thine ox, nor thine ass, nor any of thy cattle, nor thy stranger that is within thy gates; that thy manservant and thy maidservant may rest as well as thou. And thou shalt remember that thou wast a servant in the land of Egypt, and the Lord thy God brought thee out thence by a mighty hand and by an outstretched arm; therefore the Lord thy God commanded thee to keep the sabbath day.

DEUT. V, 13-15.

Verily ye shall keep My sabbaths, for it is a sign between Me and you throughout your generations, that ye may know that I am the Lord who sanctify you. Ye shall keep the sabbath therefore, for it is holy unto you; every one that profaneth it shall surely be put to death; for whosoever doeth any work therein, that soul shall be cut off from among his people. Six days shall work be done; but on the seventh day is a sabbath of solemn rest, holy to the Lord; whosoever doeth any work in the sabbath day, he shall surely be put to death. Wherefore the children of Israel shall keep the sabbath, to observe the sabbath throughout their generations, for a perpetual covenant. It is a sign between Me and the children of Israel for ever; for in six days the Lord made heaven and earth, and on the seventh day He ceased from work and rested.

EXOD. XXXI, 13-17.

Six days shall work be done, but on the seventh day there shall be to you a holy day, a sabbath of solemn rest to the Lord; whosoever doeth any work therein shall be put to death. Ye shall kindle no fire throughout your habitations upon the sabbath day.

EXOD. XXXV, 2-3.

Speak unto the children of Israel and say unto them: The appointed seasons of the Lord, which ye shall proclaim to be holy convocations, even these are My appointed seasons. Six days shall work be done; but on the seventh day is a sabbath of solemn rest, a holy convocation; ye shall do no manner of work; it is a sabbath unto the Lord in all your dwellings.

LEVIT. XXIII, 2-3.

Six days thou shalt work, but on the seventh day thou shalt rest; in plowing time and in harvest thou shalt rest. EXOD. XXXIV, 21.

- 139 Heaven and earth and that which fills heaven and earth were created by God. They were called into existence by God's 'Let there be!'; and they regulated themselves obediently according to the Creator's law. But man also was called into existence through God's 'Let there be!' Freed from the compelling 'Must,' God's work summoned him to subject himself voluntarily to God's law in all his activity, to govern the created earth according to God's law; and the earth and the host of its beings were surrendered to this *free* government of man. What was there to safeguard the world against man? What safeguard that man in his position of honour would not forget God; that he would not look upon the world, which had been entrusted to him to govern according to God's will, as his own property; that in his controlling power over the things around him he would not regard himself as master; and that he would not live in God's world solely according to his human will? Since, with his freedom, the road leading to degeneration was also opened to man, what means was there of continually reminding him of his duty to be God's servant; of sanctifying him for this task and continually providing mind and heart with renewed strength for it? In a word, what means was there for the ever renewed education of man for his task?

Behold! God crowned his work with the *seventh day* of creation, the first of human activity, and bestowed on it a constantly recurring sanctity and a blessing. A sanctity, that through it man should be continually reminded of his appointment by God in God's world to be God's servant and that he should devote himself to that capacity. A blessing, that on the seventh day spirit and mind should always gain renewed strength for the worthy fulfilment of his duty. The Sabbath, the first day on which God withdrew from active creation to invisible guidance of the universe and on which the earth was laid open for man's government, thus became the symbol of man's appointment by God; symbol of God's rule and man's destiny.

The arrogant men of Babel spurned the teaching of the Sabbath and thus suffered the experience and teaching of failure.¹ So the Sabbath was transferred to the nation through which God wished to demonstrate to erring mankind His sovereignty and man's real task. Therefore His nation was and should be not only man through God but also nation through God, which it became by means of the redemption from Egypt and which it remains. So the Sabbath now became the symbol of God's rule of the world and of Israel and of the task of the Jew as man and as Israelite (Man-Israelite).² 140

But how can the Sabbath become such a symbol, education and sanctification for this task? 'Six days shalt thou labour, and do all thy work; but the seventh day is a Sabbath unto the Lord thy God'; how? 'In it thou shalt not do any manner of work.' How, above all, does man show his domination over the earth? In that he can fashion all things in his environment to his own purpose—the earth for his habitation and source of sustenance; plant and animal for food and clothing. He can transform everything into an instrument of human service. He is allowed to rule over the world for six days with God's will. On the seventh day, however, he is forbidden by Divine behest to fashion anything for his own purpose. In this way he acknowledges that he has no rights of ownership or authority over the world. Nothing may be dealt with as man pleases, for everything belongs to God, the Creator, Who has set man into the world to rule it according to His word. On each Sabbath day, the world, so to speak, is restored to God, and thus man proclaims, both to himself and to his surroundings, that he enjoys only a borrowed authority. 141

Therefore even the smallest work done on the Sabbath is a denial of the fact that God is the Creator and Master of the world. It is an arrogant setting-up of man as his own master. It is a denial of the whole task of the Jew as man and as Israelite, which is nothing but the management of the earth according to the will of God. It therefore incurs death and excision from the congregation of Israel. On the other hand, every refraining from work on the Sabbath is in itself a positive expression of the fact that God is the Creator and Master of the world; that it is He Who has set man in his place; that He is the Lawgiver of his life; it is a proclamation and acknowledgment of our task as men and Israelites. 142

Thus, doing no work on the Sabbath is an *אזות*, an expressive symbol for 143

¹ See Additional Note C., Vol. I, p. 273.—*Ed. Note.*

² On the term *Mensch-Jissroel* ('Israel-Man') coined by Hirsch and recurring in all his writings, see Section *Toroth*, page 4, footnote, and Additional Note A., Vol. I, p. 271.—*Ed. Note.*

all time. The Sabbath expresses the truth that the Only God is the Creator and Master of all and that man, together with all else, has been called to the service of the Only God. It is **מועד**, a time-institution, a day singled out from other days, a summons to the ennoblement of life. It is **קודש**, a holy time: if, during the six working days, man forgets that Almighty God is the Source of all power and his Lawgiver, then the Sabbath comes to elevate him by directing him once again towards his Creator. It is **ברית**, a covenant, the only contract and basis of every relationship between God and the Jew, both as man and as Israelite. For if you consider the world and yourself as God's property, and regard your power over the earth as lent to you by God for the fulfilment of your task in life, then will your life be lived in accordance with the Torah. But if you regard the world as your own and yourself as its master, then the contract is torn up, and you are just making sport of the Torah. Finally, it is **ברכה**, a blessing; if you thus renew your covenant with God every Sabbath, and dedicate yourself as God's servant, then on every Sabbath God will give you renewed enlightenment of the spirit, enthusiasm and strength for the fulfilment of this great task. In this way you will realize how God really calls you to an elevated state of life which is especially experienced on Sabbath. Our Sages describe this elevated state of the soul by saying that the Sabbath provides the Jew with an 'extra soul' or a 'super-soul' (**נשמה יתרה**).

- 144 The *melachah* (**מלאכה**) which is forbidden on Sabbath is conceived as the execution of an intelligent purpose by the practical skill of man. Or, more generally, production, creation, transforming an object for human purposes; but *not* physical exertion. Even if you tired yourself out the whole day, as long as you have *produced* nothing within the meaning of the term *melachah*; as long as your activity has not been a constructive exercise of your intelligence, you have performed no *melachah*. On the other hand, if you have engendered, without the slightest exertion, even the smallest change in an object for human purposes, then you have profaned the Sabbath, flouted God, and undermined your calling as a Jew. Your physical power belongs to your animal nature; it is with your technical skill which serves your spirit that you master the world—and it is with this that, as a human being, you should subject yourself to God on Sabbath.
- 145 The laws concerning the prohibition of work on the Sabbath, which are nothing but the practical realization of the above-mentioned concept of *melachah*, are, of course, as comprehensive as the entire activity of man. For our purposes it must suffice to throw light upon the basic principles of the laws concerning the prohibition of work on the Sabbath with the aid of the Sabbath-concept developed above. Among

the illustrations given, such examples will be selected as occur most frequently in actual life; for more details the reader's attention is directed to the instructions given in the *Shulchan Aruch*.

With the Sabbath-idea explained as above, the two principles which underlie the regulations concerning the prohibition of work on the Sabbath become evident at once. These principles are, 1. מלאכת מחשבת—i.e., the Torah forbids as *melachah* the execution of an intelligent purpose by practical skill, and 2. כל המקלקלין פטורין—i.e., any act of pure destruction, however strenuous, is not a *melachah*. 146

1. The activity which is described in the Torah as one which destroys the essence of the Sabbath has to be a מלאכת מחשבת—that is, the practical carrying out of an idea that shows the would-be dominion of the human mind over the world of matter. This comprises:

(1) *Consciousness*: If work is done מתעסק, unconsciously, so that it is not the genuine reflection of a human personality, the Torah does not regard it as *melachah*.

(2) *Intention* (כוונה): If the intention is directed to a non-productive activity, then even though the possible or even probable consequence of the action might be productive, the operation is not regarded as *melachah*. For example, it is permitted to move a chair in order to change its position, whereby it is possible or probable that grooves will be produced in the ground; or to walk upon grass, although it will possibly or probably be severed (O. Ch. 336). However, where the consequence of a *melachah* being performed is inevitably bound up with the intended activity (פסיק רישיה), the intention is deemed to extend to the *melachah*; for example, it is forbidden to wash oneself over grass, as the growth of the grass must inevitably be promoted by the water falling on it, although this consequence is not intended (O. Ch. 336).

(3) *Aim*: There is no *melachah* if the aim of the creative activity is not the *product* itself (מלאכה שאינה צריכה לגופה). For example, according to the Torah, to extinguish fire not for the sake of the product, which is coal, but in order that it should not go on burning, is not *melachah*; likewise to dig, not for the sake of the pit but for the dug-out earth, is not *melachah* (O. Ch. 278, 334). (The relation between מלאכה שאינה צריכה לגופה and פסיק רישיה is this: With the latter both the productive activity and the product itself are intended, while in the former the product itself is explicitly excluded from the aim of the intended productive activity.)

(4) *Means*: *Melachah* requires that the work should be executed in a way which shows the practical skill of man (not כלאחר יד—i.e., in an impractical manner), and not by the co-operation of two people in an activity which can be carried out by one.

(5) *Size (shiur)*: *Melachah* requires that the product should have a size which serves human purposes.

(6) *Realization*: *Melachah* requires that the realization of an idea does not fall short of the intention (נעשית מחשבתו).

All this is nothing but the analysis of the essential concept of Sabbath: מלאכת מחשבת is an activity which shows the human spirit mastering the world for *its own* purposes with its technical skill.

2. כל המקלקלין פטורין. This also arises directly from the Sabbath idea: to constitute *melachah* the activity has to be productive, that is, it must realize an intelligent purpose by practical skill; it must not be destructive, for ability to destroy is something which man has in common with the beast. To tear down a house on the Sabbath is no *melachah*, but where the destruction is a prelude to reconstruction, such destruction becomes a productive act and is therefore *melachah*.

To sum up: Only an activity which covers the aforementioned conditions is called a *melachah* proper, and, if done on the Sabbath, incurs death and excision according to the law of the Torah, which considers the performance of a *melachah* on the Sabbath day a denial of God and a negation of the Jew's vocation on earth. However, except when there is no consciousness and intention, certain other activities too, although they are not *melachah* proper, have been drawn by our Sages into the prohibited range, since these activities border upon *melachah* (סייג); they are prohibited by the power of גזירה דרבנן (Rabbinical decree) (see chap. 78).

147 For similar reasons, various things are forbidden on the Sabbath by Rabbinical decree:

(1) because they border on *melachah*;

(2) because they easily lead to *melachah*.

In the first category, our Sages have included in the prohibition everything which can be classed under the concept of production and change, even if it is only a change in relationship and designation. For example, they forbade the taking up of that which was not designated for use at the beginning of the Sabbath (טלטול מוקצה). This is a widening of the concept of *melachah*, which really covers only an objective change, to include a mere alteration of man's attitude to a thing in relationship with himself. The basic *melachah* of הוצאה—namely, the removal of an object from the communal domain into that of the individual and *vice versa*, which is also only a change of relationship in space, forms a simple transition to this. Another example is the extension of the concept of *direct* production to include that of occasioning it indirectly—אמירה לנכרי. The law of the Torah which makes a man responsible for the productions of his servants or his animals forms the transition to this. There are various similar cases. The activities

Prohibition of Work on Sabbath

included under Section (2) are self-explanatory. Everything which is prohibited on the Sabbath by decree of the Sages (מדרבנן) is called *shevuth* (שבות).

LIST OF MELACHOTH. In thirty-nine productive activities (*mela-choth*) which are derived from the noblest product of human activity, the building of the Tabernacle, the Oral Law defines the whole activity of man in connection with the prohibition of work on the Sabbath: 148

(1) *Ploughing*, which includes loosening or clearing even the smallest piece of land for cultivation.

(2) *Sowing*, which includes any promotion of growth.

(3) *Cutting corn*, which includes detaching things from the place of their growth in order to use them for food or work.

(4) *Binding sheaves*, which includes gathering a severed product from the place of its growth.

(5) *Threshing*, which includes all treatment such as beating, thrusting, shaking, peeling, pressing, etc., to divide that which is of use for food or work from that which is of no use.

(6) (7) (8) *Winnowing, Selecting, Sifting*, which include freeing the useful from the useless stuff.

(9) *Grinding*, which includes cutting a natural product into little pieces or pulverizing it.

(10) *Kneading*, which includes compounding a paste by means of water.

(11) *Baking*, which includes changing the natural condition of produce by means of fire.

(12) *Shearing*, which includes detaching from the animal's body outgrowths of the body (whether it be in order to obtain material to work upon or in order to change the appearance of the body).

(13) *Bleaching*, which includes removing coloured stuff with water or some other means.

(14) *Carding*, which includes hackling and generally reducing stuff for spinning into fibres.

(15) *Dyeing*, which includes every method of colouring materials.

(16) *Spinning*, which includes every twining of fibres into threads.

(17) (18) (19) *Setting up the warp, drawing through the heddles, weaving* and generally all interlacing of threads or other materials for the purpose of weaving.

(20) *Separating* threaded strands for the sake of weaving.

(21) *Tying a knot*.

(22) *Untying a knot* in order to tie again.

(23) *Sewing together*, which includes every permanent joining of two pieces of material with threads.

(24) *All tearing*, if not done with merely destructive intent.

(25) *Catching game*, which includes bringing an animal under human control.

(26) *Slaughtering*—namely, every complete or partial disturbance of an animal organism.

(27) *Flaying*.

(28) *Treatment of the skin* for leather by means of tanning, currying, milling, etc.

(29) *Scraping the skin*, which includes any smoothing.

(30) *Marking out*.

(31) *Cutting*, which includes every fashioning by dividing into parts.

(32) *Writing*.

(33) *Erasing* for the purpose of re-writing.

(34) *Building*, which includes every combination of articles by means of cohesion, adhesion, and weight, as well as every preparation for the building of a house.

(35) *Demolishing* for improved rebuilding (including any destruction for the purpose of reconstruction).

(36) *Kindling*, which includes every promotion of burning which is not done with merely destructive intent.

(37) *Extinguishing* for the purpose of obtaining charcoal.

(38) *Beating with a hammer*; this comprises all work upon vessels to which one applies the finishing touch, up to the last knock with the hammer or shaking off the remaining fibres.

(39) *Carrying*, from the private into the public domain or *vice versa*. (*Shabbath*, 73a, b).

149 ADDITIONAL NOTES. We shall now mention a few matters, some of which need to be noted from the practical point of view; we shall also mention some of the '*Shevuth* Ordinances' with their corresponding *melachoth*.

Re *Sowing*: One should not scatter seed on untrodden places which are liable to become wet, or soak barley and wheat in water for a lengthy period; likewise one should not place in water *flowers* which open up in water; nor water them (O. Ch. 336).¹ But this is allowed with edible *herbs*, to stop them from withering (O. Ch. 321).

Re *Cutting Corn*. *Melachah*: To pluck off moist excrescences from vessels, etc. To pluck a plant from a perforated flower-pot (O. Ch. 336). *Shevuth*: (1) To take out honeycombs (O. Ch. 321). To pluck a plant from a non-perforated flower-pot; changing its position from ground to wall and *vice versa*. (2) To climb upon, move, or make use of any plant which is still firmly in the ground. To smell plants used for eating

¹ The figures in brackets of this section refer to the respective chapters of *Shulchan Aruch*, *Orach Chaim*, unless stated otherwise. If the word 'chapter' or the abbreviation chap. appears in front of the figure, the latter refers to the chapters of the present work.—*Ed. Note*.

Prohibition of Work on Sabbath

is *shevuth*, but not plants used for scent. To eat or even to move fruit which has fallen on the Sabbath. Riding (O. Ch. 336, 305, 339, 322). *Permitted*: To place cattle on a meadow (O. Ch. 324). To walk on grass (O. Ch. 336). To pull out loose plants which have been stuck into sand for preservation without the intention of making them take root (O. Ch. 336).

Re *Binding Sheaves. Melachah*: To press out wine and oil berries (O. Ch. 320). Milking (for the animal's sake this is permitted through a non-Jew, but the milk may not be drunk on the same day) (O. Ch. 405). *Shevuth*: (1) To press out fruit, the juice of which is usually or will now be used as a drink in its unmixed state. To press out liquids from some material and to gather them up (O. Ch. 320). (2) To drink juice which has flowed from vine grapes and olives on the Sabbath; the same applies to other fruits, if they are designated for the preparation of drink (O. Ch. 320). *Permitted*: To press out wine and olive berries into food. To remove liquids from preserves by pressing them out (O. Ch. 320).

Re *Winnowing, Selecting, Sifting. Melachoth*: Winnowing and selecting in any way with sifting vessels is forbidden; so is any sifting unless for immediate consumption. To pick unsuitable foods from among suitable foods in any manner is forbidden, even if the food is only unsuitable for present use. This applies to objects of all sorts (O. Ch. 319). To peel fruit is allowed only for immediate consumption (O. Ch. 321). *Shevuth*: Sifting with a tool in any manner (O. Ch. 319). *Permitted*: To pick out the suitable from the unsuitable by hand for immediate consumption. Also to remove heterogeneous matter from drinkable clear liquids in an unusual manner with a non-sifting vessel. To put water upon yeast which was put into a sieve before the Sabbath. To pour off from the sediment till it only drips. Every sifting which is itself caused by drinking, etc. (O. Ch. 319).

Re *Grinding. Melachoth*: All crumbling, grinding, pounding, mincing. To grate cheese with a grater. To cut herbs very small. To pound completely that which is already half-pounded after it has been cooked and removed from the fire (O. Ch. 321). *Shevuth*: (1) To pound food with crumbling, pounding, etc., instruments, even for immediate consumption (O. Ch. 321). (2) The use of medicaments for the healing of minor ailments (indisposition) is forbidden; the purpose of this Rabbinical prohibition is to guard against the pounding of medicinal ingredients (שחיקת הסמנים), which would be a real *melachah*. Means of protection, e.g., of wounds, from receiving blows are permitted. Ordinary food may be eaten for the sake of cure, even if the healing purpose is quite obvious. Means of healing are also permitted where it is impossible to attain the healing purpose by means of medicinal ingredients (O. Ch. 328). This applies to minor ailments. For serious illness see the end of this chapter. *Permitted*: To pound spices for immediate consumption by

means of non-technical instruments, *e.g.*, with a knife-handle, etc. To crumble something again which has already been ground, *e.g.*, bread. All cutting into small pieces for immediate consumption, *i.e.*, just before consumption (this is not considered as 'grinding' but as the beginning of the consumption, 'artificial crunching,' chewing) (O. Ch. 321).

Re *Kneading. Melachoth*: All mixing of dust-like and grain-like stuffs, *e.g.*, poppy-seed, mustard, grated radishes, etc., with liquids into a doughlike paste (O. Ch. 340). *Permitted*: To mix once again that which has already been kneaded; to add more liquids. Even to mix with instruments, if the liquids were already put in before the Sabbath, but only moderate mixing, not whisking proper. To mix in differing order, *e.g.*, to put liquid in first and then the foodstuff, and then moderately mixed together only by hand, not by an instrument (O. Ch. 321, 324).

Re *Baking. Melachoth*: All cooking by fire or by something heated by fire. Completing that which has been half-cooked. To re-heat cooked food which has cooled off if it contains liquid. To steep uncooked things in something hot, *e.g.*, raw spices in a 'first vessel'¹ which is still hot. (But salt obtained by cooking is permitted.) Pouring out of a first vessel upon uncooked food. Pouring cold water in a lesser quantity into hot. Placing cold solid into hot liquid. Stirring that which is not yet completed, even if removed from the fire. One should avoid heating cold baked or roasted foods, even if dry, in a first vessel or bread even in a second (O. Ch. 318). *Shevuth*: (1) Preserving, pickling (O. Ch. 321). Cooking by means of heat something heated by sunlight. To steep uncooked food in a second vessel. To wrap up 'first vessels' entirely in cushions or some other medium that preserves warmth. ('Second vessels' are permitted to be so treated.) Similarly a cold utensil may be placed into a second vessel, above all if it is not entirely covered thereby. (2) To leave something not yet half-cooked from Friday standing upon the fire; or something entirely uncooked, which does not, however, require much cooking (the object of this prohibition is to guard against further cooking). To remove a pot from the fire if there are coals round about (but it may be done by non-Jews) (O. Ch. 252-9, 318). To wash the whole body, even limb by limb, in warm water (O. Ch. 326). *Permitted*: To steep something which has been completely cooked, has cooled down, and is dry, even in a first vessel. To pour out from a second vessel on to raw food (not, however, salted or other provisions, the preparation of which is completed by this warm wetting; but it is permitted with cold water). To keep something warm upon a hot vessel, but not to warm up any cold liquid if it may

¹ One differentiates between the first vessel (כלי ראשון) in which the object was cooked over the fire, and the second (כלי שני) into which it was afterwards poured; the law applies to both of them only as long as they are hot.—*Ed. Note.*

become hot there. To place cold water in large quantity in an emptied vessel taken from the fire. To place cold water into a hot second vessel, or in greater quantity than the hot even into a hot first vessel. To take the chill off anything in any manner where it is impossible for it to become really hot. To warm up *next* to the fire something dry and completely cooked, even if it might become hot, even if it has previously cooled off entirely, and even if the fat melts; if it has not quite cooled down, then even if it contains liquid (O. Ch. 318). To place cooked hot things, or even cold, if they are dry, upon the heating stove (used for heating a room) before the heating is put on: or if there is a base in between, even after the heating is put on. Cold cooked things may be placed there only by a non-Jew *before* the heating is put on; *after* the heating is put on, only for those who are ill or for children who would otherwise have nothing to eat. To allow food to stand upon the fire from Friday if it was half-cooked or there was raw meat in it; any food may be kept warm standing openly in an oven the door of which is smeared with clay; all this is allowed as long as the food is never directly covered with a heat-retaining cover. In case of need a pot may be removed from the coals, if there are no coals round about; if it has been removed it may be put back again on to a warm place which is not directly exposed to the fire as long as it does not cool down (O. Ch. 252-9).

Re *Shearing. Melachoth*: Tearing out a hair, cutting off a nail, etc., or tearing it off. Therefore the hair should not be combed (but it may be smoothed with the hand, also with a soft brush set aside for the Sabbath). It is not permitted to wash with materials which cause hair to fall out (O. Ch. 303, 326, 327, 340).

Re *Bleaching. Melachoth*: To put water upon soiled clothing (it is permitted upon hard leather, as long as it is not washed thereby). Scrubbing washed linen. All pressing out of liquids from a garment. *Shevuth*: (1) Rubbing off dry dirt from a garment by rubbing parts of it together. (2) Drying, sifting, washing with a cloth not designated for this purpose; similarly, covering liquids with such a cloth. *Permitted*: All wetting that excludes cleansing purposes (O. Ch. 302, 319, 320).

Re *Dyeing. Shevuth*: Touching clothes with coloured fruit-juice. *Permitted*: To colour food with saffron, etc. (O. Ch. 320).

Re *Tying and Untying a Knot. Melachoth*: Tying up or loosening an expertly made knot intended to last. Twisting and loosening ropes. *Shevuth*: Tying up or loosening expertly made knots which were not intended to last, or non-expertly made knots which were intended to last, even if only for one day. Tying or loosening a double knot or a simple end-knot (but this is permitted to remove pain). To loosen a knot which is only sometimes made to last. *Permitted*: Loosening a non-skilfully made knot which it is intended to untie on the same day,

loops, and double loops. With a double knot only if it is intended to untie it again on the same day (O. Ch. 317).

Re *Sewing*. *Melachoth*: Drawing the thread. *Permitted*: To straighten laces of garments but only if the lace-holes are spacious and have been sewn all round (O. Ch. 340).

Re *Catching Game*. *Shevuth*: To seize even tame animals (O. Ch. 316).

Re *Tanning*. *Shevuth*: To prepare larger quantities of salt-water or other sharp substances than would be needed to put into food. To produce a solution holding two-thirds of salt, even the smallest quantity. To place for some time into salt that which requires salting, or to salt much at once (O. Ch. 321). *Permitted*: To dip one part of food after the other into salt before consumption and to let it lie therein for a short period only. To salt several things if other liquids such as oil, vinegar and the like are being added at the same time (O. Ch. 321).

Re *Cutting*. *Permitted*: To cut through threads used in the preparation of food (O. Ch. 314, 317).

Re *Writing*. *Melachoth*: All recording of things or retaining of thoughts by means of painting, writing or drawing of any sort, if the sign produced is durable. *Shevuth*: (1) Any such recording or retaining, if the sign is visible, even if it is not durable, e.g., if made by a wet finger upon a board. (2) All transactions which may easily lead to writing; therefore it is also forbidden, e.g., to celebrate marriages on Sabbath. *Permitted*: Signs which are not visible upon the material written upon, e.g., to write in the air (O. Ch. 339, 340).

Re *Building and Demolishing*. *Melachoth*: (1) To fit pieces of wood into one another and the like (O. Ch. 313). To glue together, to paste together and the like (O. Ch. 340). Cheese-making. Re-inserting a broken chair leg (O. Ch. 313). (2) To smooth unevenness of the ground (O. Ch. 338). To raise broken beams with a support (O. Ch. 313). To make a durable roof of one handbreadth's width, or such at least that it gains the width of one handbreadth within three. To divide a room for differing purposes by means of a partition (O. Ch. 315). Lifting out a window (O. Ch. 313). *Shevuth*: (1) Refitting vessels composed of various parts the use of which does not require them to be taken to pieces. But it is allowed to connect those which are only fitted together loosely (O. Ch. 313). Plaiting and loosening hair (O. Ch. 303) (it is permitted to part the hair with the hand [*ibid.*]). To erect a roof for the purpose of providing covered space or if the roof is put on walls, even if not durable (O. Ch. 315). Sweeping or washing even of wooden flooring (O. Ch. 337). To support broken beams permanently, either firmly with instruments or loosely with pieces of wood, so that they do not sink any further (O. Ch. 313). Hanging and removing a door with hinges if it is made of one plank or without a sill. To re-set doors

Prohibition of Work on Sabbath

of cupboards, etc., which have been lifted out of their hinges (O. Ch. 313). (2) To play on the ground with nuts and the like (O. Ch. 338). *Permitted*: Taking apart and putting together, even screwing and unscrewing, articles made of different sections if their use depends on this. To close up windows with cushions, etc., if they were designated for this before the Sabbath. Wood to block an entrance must have been made for this purpose; a bolt which goes into the ground must be fixed on to the door, and if it goes directly into the ground, then the hole for it must be suitably prepared. Doors which are rarely used must be recognizable by hinges and fixed on one side. To support broken beams temporarily with objects in order that they should not sink further. To cast sand and the like upon dirt on the floor; but if it is done to improve the floor, *e.g.*, if it has become impassable through wetness, then it may only be covered in an improvised manner with something which will not stay there, *e.g.*, with straw (O. Ch. 313). To make a partition required for protection or cover, but not to form separate spaces. Continuation of non-durable roofing which had been begun on Friday, if there already exists one handbreadth continuously or strips less than three handbreadths distant from one another. Roofing upon supports without actual walls the purpose of which is not the covering of space. Temporarily taking apart roofing which has already been fixed upon its supports (O. Ch. 315). Causing dust to rest by means of sprinkling. Sweeping out plastered or wooden floors by a non-Jew or with a soft sweeping tool which will only remove dust, but which cannot be used for the filling up of holes and the like; but only in such a way that there is no fear of natural breaking off or cracking (O. Ch. 337, 338).

Re Kindling and Extinguishing. Shevuth: (1) All kindling and all extinguishing; cleaning the lamp. (2) To have wicks, fats, and oils for light on the Sabbath which do not burn well; or good ones which were, however, incompletely kindled before the Sabbath. To engage by lamplight in activities which require close attention, such as reading and the like. To cause a draught where this might cause extinguishing (O. Ch. 275, 277). *Permitted*: Two may read from one book; or even one person, if another sees to it that the lamplight is not moved so that it will burn brighter. To do familiar things which do not require close attention, or anything which is necessary, by the light of wax and tallow candles where there is no danger that one might interfere with them (O. Ch. 275). To put a large vessel over the light to guard against a conflagration so long as it cannot extinguish the light. To shake the top of a table in order to throw off a light, a spark and the like without intending to extinguish it (O. Ch. 277). To put water under oil before the Sabbath but not to put tallow or wax lights into water (O. Ch. 265). Heating by a non-Jew only in cold districts, and to the extent that the coldness demands (O. Ch. 276).

Re *Beating with a Hammer*. *Melachoth*: To remove threads or knots from a garment left therein after weaving. To fold clothes in their usual folds (O. Ch. 302). To make any hole intending it to be an opening. To broaden a hole. To reopen something which has hitherto been firmly closed (O. Ch. 314). Every tearing, breaking and the like for completing the form of the article (O. Ch. 340, 317). *Shevuth*: (1) Every making of a hole or widening of a hole (O. Ch. 314). Generating odours (increasing odours is allowed) (O. Ch. 511, 322). (2) To produce a sound by means of an instrument designed for that purpose. All production of sound related to music except with the unaided mouth. To swim in open water (in enclosed water, e.g., a pond, it is allowed) (O. Ch. 338, 339). *Permitted*: To lay clothes in new, not original, folds (O. Ch. 302). To open a hole which is not firmly stopped up in earthenware jugs (O. Ch. 314).

Re *Carrying*. *Melachoth*: To carry, pass or throw any article from the 'private domain' (רשות היחיד) into the 'public domain' (רשות הרבים) or from the public domain into the private domain or four cubits within the public domain. 'Private domain' is any space at least four square handbreadths (טפחים) in area bounded by four, or at least three, walls ten handbreadths high; or an elevation ten handbreadths high and four square handbreadths in area and all the air which is above it. 'Public domains' are: roads, streets and market-places which are open on both sides, are sixteen cubits wide, and are used by a population equal in number to the population in the Desert.¹ In height a public domain only reaches up to ten handbreadths. An elevation four handbreadths broad and only nine handbreadths high (see above), and everything which is only three handbreadths high within the public domain, belongs to it. Every man draws four cubits in every direction into the sphere of his personality in the public domain, which therefore becomes a special domain for him. *Shevuth*: (1) Every space with an area of four handbreaths to which one of those definitions does not apply is called *karmelith*, and nothing must be carried from it to a private or public domain and *vice versa*. Neither is one permitted to carry four cubits within it, e.g., to carry into or within a street which is open only on one side, unless this side has an indication that it is not a public domain by having a vertical or horizontal beam or a door-frame on this side. *Karmelith* only reaches up to ten handbreadths. (2) Every space of seventy and two-thirds square cubits, which has not been enclosed for the purposes of habitation, is regarded as *karmelith*. It is prohibited to carry from private domains belonging to various owners, whether from one into the other or into a public domain, unless they have made all rights of ownership of their domain communal for this purpose by

¹ Referring to Israel's wandering from Egypt to the Promised Land. The figure of Israel's male population at that time is usually given as 600,000 (see Exod. xii, 37).—Ed. Note.

means of an *eruv*, and have thus brought all the domains under the same name. For further details the reader is referred to *Orach Chaim*, chapters 345–395. Everything which is carried as an ornament or as clothing finds its own domain in any domain upon the human body, and can therefore be carried as ornament or clothing anywhere without being *melachah*. For details see O. Ch., chapters 303, 301, 252.

Concerning the term of *techumin*, i.e., extension of the prohibition of carrying articles from one domain to another to include the movement of a person from one locality to another (two thousand cubits from the place of residence), see O. Ch. 396–416. According to some, the distance in question is more than twelve *mil*¹ (the extent of the Desert encampment of Israel), taking it from the pronouncement: 'No one should go out of his dwelling-place upon the seventh day' (Exod. xvi, 29) and it is therefore *דאורייתא* (Torah law): the restriction of two thousand cubits would be *shevuth* (*דרבנן*, Rabbinical decree). In this case it would perhaps be related to the concept of *מקרא קדש* (chap. 24). Concerning *מוקצה* (para. 147) see O. Ch. 308–13; relationship to non-Jews, O. Ch. 243–7, 276, 304, 326 and singly; production through animals, O. Ch. 305; concerning women in confinement, circumcision, danger to life, war, and the like, see O. Ch. 328–35.

Some general principles remain to be mentioned here:

(1) *Muktzah* (*מוקצה*) means literally 'set aside' or 'excluded.' The term *muktzah* comprises any object which was not designated for human use when the Sabbath commenced, (a) because its purpose is the production of a *melachah*; (b) because it was not intended for use as an instrument or food, as it is useless or incomplete or something which has not been detached from the place of its growth, or which could only be put to use by means of a transgression of the Sabbath laws; (c) because it had been designated for the fulfilment of a *mitzvah*. Such an object may as a rule not be removed from its position by hand on Sabbath, except that objects under (a) may be removed for a use which is permitted or so that the space it occupies may be used, but not for its own sake. But if the object is so fragile that it cannot be used except for its special purpose, it may not be touched at all. The same applies to everything which is intended to serve as a base for it at least for the duration of the Sabbath.

(2) A non-Jew may not be engaged to do any *melachah* on the Sabbath. He may perform an act forbidden on the grounds of *שבות* only in very urgent cases, e.g., on account of an illness, even if the illness is not dangerous, or for the purpose of fulfilling a *mitzvah*. A non-Jew is allowed to do work about which he was instructed before the Sabbath provided the work is done on a movable object away from the house

¹ One *mil* equals two thousand cubits.—*Ed. Note.*

of the Jew and by contract, but not by daily wage. Profit earned or otherwise gained on the Sabbath may never be used. Work executed consciously on the Sabbath may never be made use of. Work carried out on the Sabbath by a non-Jew on behalf of a Jew may be used only after the Sabbath, after the expiration of the time which it would take for its execution.

(3) In cases of illness where life is endangered, and generally to save a person's life it is a duty to do everything oneself which the illness demands; in case of illness not involving danger to life the work should be done by a non-Jew; for minor ailments, see para. 149, under 'Grinding'; cf. also para. 68.

With a little thought, all these examples, which have been selected with a practical end in mind, may easily be traced back to the general principles which we tried to expound above, and will appear clearly as their practical fulfilment. One should always consider the Sabbath-concept depicted in para. 139 and onwards, and impress on oneself that *melachoth* arise directly from the concept of *מלאכת מחשבת* and its inner meaning; forbidden activities covered by *shevuth* can easily become the cause of the performance of actual *melachoth*, on account of their outward resemblance to *melachoth* or because they easily lead to them. They therefore had to be drawn into the sphere of the prohibition of work by the legal authorities (*חכמים*) who are pledged to watch over the implementation of the law: only that is permitted which is not *melachah* and to which the characteristics of *shevuth* do not in some way or other apply.

- 150 Thus the Sabbath stands as a recurring time of holiness, to sanctify and prepare you for the life of the coming week¹ according to the spirit of the Divine word. Refraining from work is not just resting from the labours of the past week or just finding place for spiritual occupation but is itself the most essential part of the Sabbath, and every refraining from work on the Sabbath is itself direct testimony that God is the Only Master, and that man, with everything else, has been called to His service alone; Sabbath means preparation for the active service of God in our life. And now, my young friend, could you ever do such a thing as to profane the Sabbath for the sake of material gain? To set your hand upon God's property and say: 'That is mine'? Have you followed this senseless, terrible thought to its conclusion, which you express with every piece of work done to earn your bread on the Sabbath?:

¹ Sanctification, dedication and elevation can apply only to future activity; for that which is past there can only be repentance and atonement; Rosh Chodesh, Rosh Hashanah and Yom Kippur are designated for this. The sanctification, preparation and strength to be gained from the Sabbath memorial can do good only to coming activity; and thus this seventh day of creation, hallowed by God, was also the first in Adam's life, preparing him for his working existence.

Prohibition of Work on Sabbath

'I scorn God in order to make my life more successful; I testify aloud by means of action, not only by means of word, that the world and that which fills it is not His, but that man is the master of the world; I lower myself and testify aloud that my only vocation is an animal one—property, enjoyment—and that I have no knowledge of or respect for the name of Man and Israel . . .' For indeed, this and no less would you express with every piece of work on the Sabbath. And yet you—son and daughter of Israel—you have been summoned to bear witness to God and to the task of man before the whole world and to carry it out for all time. The holiest aspect of this task is the Sabbath—and you wish to sneer at your duty, which is to be a light to the nations, and, for the sake of monetary gain, barter away what your fathers defended with their life-blood? Can a penny earned on the Sabbath bring real blessing into the house seeing that it has sprung from a curse and that in order to acquire it one had first to kill that which is noble within oneself?

If you have recognized the Sabbath, understood it, taken it to heart, 151 and kept it in its proper spirit, you will, by the very non-performance of a *melachah*, recognize the ownership of God in the ground which bears you, in the materials which it offers you, in the food, the clothing, the dwelling, the instruments and means for your thousandfold activities; in all beings which are associated with you in your human world, and above all, in the power which resides within you to master them creatively for your purposes. In keeping the Sabbath you will come to regard all these as God's holy property and give evidence thereof by your actions, and renew the resolution within you to become the servant of God according to His will in this world and to administer everything only according to God's will; and with every consideration which you give to the enactments of our Sages (*Chachamim*), which they have protectively added according to their Divine pledge, you will take to heart the decisive importance which the concept of the Sabbath and the resolution to keep it holy have for your whole life, so that you do not violate them even remotely. Every moment of the Sabbath day will educate you by means of your refraining from work, and will renew in your mind and deeply impress you with an awareness of your life's task. It will sanctify the world round about you into a Divine temple, and you will become a priest of God and your whole life will constitute service to Him. You will gain strength springing from God and dedicated to God, the strength with which true Sabbath observance endows you, unprofaned by egoism and God-forgetting pride; it will enable your active workaday life to become a continuous service of God. The Sabbath is sacred for you. It is indeed the renewal of the covenant, and a blessing.

- 152 Yet, despite all the glory of the Sabbath idea, the question of livelihood is sure to be raised. But a livelihood gained by depriving life of its purpose cannot truly be called a livelihood. We must never forget that the same God Who has established the Sabbath as the sanctuary of our life also gives us life and sustenance for this purpose. The idea of desecrating the Sabbath for the sake of a livelihood could not occur to anyone who has grasped the essence of the Sabbath and has observed the Sabbath with all his mind and heart even once. Such a one would have perfect confidence that God, Who ordained that the Sabbath should be respected even in times of ploughing and of harvesting, repeats even in our days the miracle associated with the manna—namely, that He provides on the sixth day that which we refrain from producing on the seventh (Exod. xvi, 29).¹

¹ See also Hirsch's *Commentary on the Pentateuch*, referring to the passages quoted at the beginning of this chapter; also Hirsch's essay 'The Jewish Sabbath' (reprinted in *Judaism Eternal*, Vol. II, pp. 3-49); further, I. Grunfeld, *The Sabbath*, which is based on the ideas of Hirsch contained in this chapter.—Ed. Note.

PROHIBITION OF WORK AND EATING ON
YOM KIPPUR AND PROHIBITION OF WORK
ON ROSH HASHANAH

עני ואיסור מלאכה של יום כפור ואיסור מלאכה של ראש השנה

And the Lord spoke unto Moses saying: Howbeit on the tenth day of this seventh month is Yom Hakippurim; there shall be a holy convocation unto you, and ye shall afflict your souls; and ye shall bring an offering made by fire unto the Lord. And ye shall do no manner of work in that same day; for it is 'Yom Kippurim,' to be a separation¹ for you from the effects of your sins before the face of the Lord your God. For whatsoever soul it be that shall not be afflicted in that same day, he shall be cut off from his people. And whatsoever soul it be that doeth any manner of work in that same day, that soul will I destroy from among his people. Ye shall do no manner of work; it is a statute for ever throughout your generations in all your dwellings. It shall be unto you a sabbath of solemn rest, and ye shall afflict your souls; in the ninth day of the month at even, from even unto even, shall ye keep your sabbath. LEVIT. XXIII, 26-32.

And it shall be a statute for ever unto you: in the seventh month, on the tenth day of the month, ye shall afflict your souls, and shall do no manner of work, the home-born, or the stranger that sojourneth among you. For on this day does He give you protection, to cleanse you; from all your sins shall ye be clean before the Lord. It is a sabbath of solemn rest unto you, and ye shall afflict your souls; it is a statute for ever. LEVIT. XVI, 29-31.

In the seventh month, in the first day of the month, shall be a solemn rest unto you, a memorial proclaimed with a rousing tone, a holy convocation. Ye shall do no manner of servile work; and ye shall bring an offering made by fire unto the Lord. LEVIT. XXIII, 24-25.

Yom Kippur, too, is a sacred Sabbath. It, too, should lead to sanctification through refraining from work; but in contrast to the weekly Sabbath, Yom Kippur demands absence of any gratification of the senses (עני). While Sabbath brings spirit, strength and dedication to future life and activity, Yom Kippur brings atonement and purity for that which is past (כפרה וטהרה). 153

¹ I have no word for the Hebrew כפר. The usual translation carries the implication of appeasing someone who is enraged; but the word cannot, according to its construction and etymology, mean this. All the meanings of its root involve one or both of the following ideas: the protection of a thing from an impact from outside, or the prevention of its making an impact.

- 154 Every activity in the whole household of creation has its corresponding effects, so that the present of everything is the child of its past and the father of its future; nothing is terminated with the moment of its coming into being, but all things are in constant motion, influencing their surroundings and having an effect on them, to infinity; and would you think to make yourself the only exception to this rule? No! None, not even the smallest of your activities, your deed, your word, even your thought, is without effect; they bring either blessing or curse, early or late, at one place or other in your external life; and as far as your inner life is concerned, they bring blessing or curse immediately, for every duty fulfilled gives you a greater capacity to fulfil new duties, each sin committed makes you more familiar with sin, less capable of doing good and more capable of committing further sin. Thus is curse the effect of sin in inward and outward life; that is how God wills it in His righteousness. Yea, were He only a righteous Judge but not a merciful Father as well, then the first sin would demand death; for you were given your existence only for righteous living; a life lived mistakenly even in the smallest point would have forfeited existence. However, the day on which our fathers, who had lost their ability to do what is good and had earned destruction in external life, through the greatest of crimes, *i.e.*, the sin of the Golden Calf (*Egel*), gained forgiveness from God when they admitted their guilt and corruption (Exod. xxxiii); that day, the tenth of Tishri, was appointed by the mercy of God as the perennial Yom Kippurim, the day which should bring atonement for past life, *i.e.*, the removal of the effects of our sins. כפרה really refers to our outward life and means protection. טהרה, purity, concerns our inward life and means undimmed capacity for doing what is good.
- 155 On this day you should give active expression to the following thought: just as your existence and your life's duty arise wholly from God's love, if you misuse that existence and so live a perverted life you forfeit your right to exist; thus on this day you should feel yourself utterly unworthy of existence in consequence of your sins. And if you then sincerely wish for a renewed tenure of life because your feeling of unworthiness makes you yearn for righteous conduct in the future, and if out of the darkness of your present life there grows an earnest desire for a new life and for the strength to live it, and you then turn to the Only God Who calls back His child as does a loving father—then His 'Let there be' will call you into being, so to speak, a second time, grant you strength for new life, take away the curse from your past, and present you with a new future.
- 156 The active expression of this thought is, however, nothing else but *איסור מלאכה* and *עניי*, refraining from work and from gratification of

the senses. Activity and enjoyment is the substance of human life; but as a result of our sins we forfeit the spiritual strength for the one and our right to the other. On Yom Kippur, therefore, we should give expression to the fact that we have misused the power with which God has equipped us for the purpose of managing His world according to His will—and lay no hand upon any thing to transform it for human purposes. Yom Kippur also teaches us that in consequence of our sins we have, from the standpoint of strict justice, no further right to continue our existence and the gratification of our senses; we should therefore show ourselves on Yom Kippur for what we really are: spiritually poor; and in order to express this fact, on this day we should avoid any gratification of the senses. If any one of Israel's sons and daughters carries out work on Yom Kippur, or indulges in physical enjoyment, not only does he not gain *kapparah* and *taharah* but God causes him to be lost from the midst of Israel. For, by doing any work or by gratifying his senses on Yom Kippur, a Jew would be taken to indicate that he thinks he need render no account of his life and that he owes his existence to no one. Theoretically speaking, only a Jew who is perfect and has never sinned and therefore has not jeopardized his right to life would not need Yom Kippur. But then, where is there such a righteous person? And even if such a blameless man existed, the atonement of Yom Kippur would still be required as long as our whole society has not risen to a righteous life, as long as even one of our brothers or sisters awaits our help and guidance upon the way to righteous living.

איסור מלאכה, prohibition of work, is therefore as essential an expression 157 of the meaning of Yom Kippur as it is of the meaning of the Sabbath; and everything which has been mentioned concerning *melachah* on the Sabbath also applies to Yom Kippur (see paras. 144–9). עניי does not mean self-castigation, *i.e.*, giving oneself pain or other torment. In accordance with the concept and name of Yom Kippur it means rather to make oneself poor, to submit to privation, *i.e.*, not to allow oneself any bodily pleasure, not to develop one's physical existence. And in order to guard against the wrong conception of Yom Kippur—namely, that one day's self-castigation or any physical castigation by itself could be regarded with favour by God as penitence for sins committed, Jewish law (O. Ch. 604) enjoins that eating on Erev Yom Kippur is as meritorious an act (*mitzvah*) as fasting on Yom Kippur.

The physical requirements which one has to forgo are: eating and 158 drinking (O. Ch. 612); washing, except to wash off actual dirt; also, when getting up in the morning, or after having been to the toilet, or before the prayers, the fingers should be washed up to the joints, but in

so doing one should avoid any intention of enjoyment (O. Ch. 613); applying oils (anointing), except for healing purposes (O. Ch. 614); wearing shoes of leather, except when wetness or dirt demand it (O. Ch. 614) (see what is mentioned about it in para. 314 [2]; also para. 545). Marital relations are also forbidden on Yom Kippur (O. Ch. 615). The prohibition of eating, drinking and working begins on the ninth day of Tishri, when it is still certainly day-time, *i.e.*, prior to thirteen and one-half minutes before night (O. Ch. 609). Children are to be introduced to Yom Kippur as to all the other laws. They should not wear leather shoes. After their ninth year they should also be made to grow accustomed to the other restrictions of Yom Kippur hour by hour. After the eleventh year they should try to fast the whole day if they are quite healthy, but not if they are delicate children. A girl after the twelfth year and a boy after the thirteenth year are pledged to the fulfilment of all Jewish duties, including Yom Kippur. Under the age of nine they should not fast at all (O. Ch. 616). As for how to deal with ill people and women in confinement and similar questions, see O. Ch. 617, 618. The prohibition of pleasure and of work lasts until the evening of the tenth day of Tishri, that is, until night—namely, until a little after at least three stars of medium size appear (para. 193).

- 159 But the ideas manifested by refraining from physical enjoyment and work must really be yours and **ידידי** and **תשובה** must be associated with them. *Viddui* is the recognition and confession of our guilt. *Teshuvah* consists of making amends as far as possible, of remorse and of a firm resolve for a better future life. These are the characteristics of repentance (chap. 79). But if you intend to approach the omniscient God as in a game—and sin in the hope of repenting of the sin, observe *teshuvah* and Yom Kippur only outwardly—in order to sin anew; stand before God on Yom Kippur with the presumption that the morrow will not be at all different in your life from yesterday—then your Yom Kippur and *teshuvah* is hypocrisy and is itself sin, for you suppose that you can deceive the omniscient God with lip-service.
- 160 In order to lead you from your sinful life to the heights of Yom Kippur—by means of real *teshuvah*—the fatherly love of God has appointed nine days before it, for this examination of the self, recognition of the self, heart-searching, turning back towards God. He ascribed to the first of these days the solemn task of stirring you from your complacency, of rousing you from your sinful sleep and of summoning you before your Master, your Judge, your Father, to judge yourself, to sentence yourself, and to strive onward once again. This day is **ראש השנה** or, as Scripture calls it, **יום הריעה**, a day of rousing (see *Shofar*, chap. 32). Rosh Hashanah calls a halt to everyday life and inspires

Prohibition of Work on Yom Kippur and Rosh Hashanah

inward-looking contemplation, and calls towards inner activity. It also demands cessation of work, but not like the Sabbath and Yom Kippur—as the essential expression of the special meaning of the day—only as the other festivals (Yamim Tovim), as having been appointed for the gathering of strength and for dedication to the continuance of a good life. Consequently, only work required for the festive enjoyment of the day is permitted. The Torah forbids other work as an ordinary prohibition and not, as on Sabbath and Yom Kippur, under the category of capital offence.¹ What is said regarding the other festivals (chap. 23) applies also to Rosh Hashanah.

¹ On Sabbath and Yom Kippur כל מלאכה, 'any work,' is forbidden, on the Yamim Tovim only מלאכת עבודה, 'servile work.' On the difference between the two cf. chapters 21 and 23.—*Ed. Note.*

23

PROHIBITION OF WORK ON PESACH,
SHAVUOTH, SUKKOTH, SHEMINI
ATZERETH

איסור מלאכה של פסח, שבועות, סוכות, שמיני עצרת

These are the appointed seasons of the Lord, even holy convocations, which ye shall proclaim in their appointed season. In the first month, on the fourteenth day of the month at dusk, is the Lord's passover. And on the fifteenth day of the same month is the feast of unleavened bread unto the Lord; seven days shall ye eat unleavened bread. In the first day ye shall have a holy convocation; ye shall do no manner of servile work. And ye shall bring an offering made by fire unto the Lord seven days; in the seventh day is a holy convocation; ye shall do no manner of servile work.

LEVIT. XXIII, 4-8.

And ye shall count unto you, etc.

Ibid. 15.

And ye shall make proclamation on the selfsame day; there shall be a holy convocation unto you; ye shall do no manner of servile work; it is a statute for ever in all your dwellings throughout your generations.

Ibid. 21.

On the fifteenth day of this seventh month is the feast of tabernacles for seven days unto the Lord. On the first day shall be a holy convocation; ye shall do no manner of servile work. Seven days ye shall bring an offering made by fire unto the Lord; on the eighth day shall be a holy convocation unto you; and ye shall bring an offering made by fire unto the Lord; it is a day of solemn assembly; ye shall do no manner of servile work.

Ibid. 34-36 (*Melecheth Avodah*).

And Moses declared unto the children of Israel the appointed seasons of the Lord.

Ibid. 44.

No manner of work shall be done in them, save that which every man must eat, that only may be done by you.

EXOD. XII, 16 (*Ochel Nefesh*).

- 161 Mo'adim, appointed seasons, summon us to submit ourselves entirely to the contemplation and inner realization of those ideas which lie at their foundation. Just as Mo'ed in the spatial sense refers to the locality which men have as their appointed place of assembly for an appointed purpose, so Mo'ed in Time is a point in Time which summons us communally to an appointed activity—in this case, an inner activity. Thus Mo'adim are the days which stand out from the other days of the year. They summon us from our everyday life to halt and to

Prohibition of Work on Pesach, Shavuoth, Sukkoth, Shemini Atzereth

dedicate all our spiritual activities to them. From this point of view, Sabbath and Yom Kippur are also Mo'adim.

The Mo'adim interrupt the ordinary activities of our life and give us 162 spirit, power, and consecration for the future by revivifying those ideas upon which our whole life is based, or they eradicate such evil consequences of past activity as are deadly to body and spirit and thus restore to us lost purity and the hope of blessing. There is only one Mo'ed that directs our glance towards our past life: Yom Kippur, with Rosh Hashanah leading up to it. Those which consecrate us for future life are Pesach, Shavuoth, Sukkoth, Shemini Atzereth.

We especially endeavoured to present the Sabbath and Yom Kippur 163 above, because they refer more to the task and realization of the individual life. The former invites everyone to the consecration of self, the latter to the examination of self and repentance. Refraining from work (Sabbath) or from work and pleasure (Yom Kippur) is the essential expression of ideas which must be brought to the consciousness of every individual at every moment.

We shall now endeavour to give a general presentation of the other festivals. They all bear one characteristic and together express one idea. All of them are perpetuations of the active Divine manifestations which occurred at the creation of the nation of Israel—namely: 'nissim' (from *nes*, i.e., flag, sign, miraculous deed), deeds which stand forth prominently revealing God. They only completely become that which they should become by means of this perpetuation and our perennial contemplation. They should at all times serve as illuminating beacons for our inner and outer life, by our taking their fundamentals and their teachings to heart. They are sanctities which bring about the ever-fresh revival of Israel's spirit by our absorbing the one fundamental idea that God is the Founder and Sustainer of Israel in body and mind. They are therefore primarily of national significance. So, when Israel's visible centre in Zion was still standing, the sons of Israel gathered together there; in the feeling of brotherly unity they went to be revived by the collective spirit. That is also why they are called 'Regalim' (רגלים).¹

From one point of view they thus have their historical significance; on 164 the other hand, they are all bound to corresponding seasons of the year. Thus each festival takes place at the time of the year when God reveals Himself in Nature's evolution, in the same way as the deed that forms the basis of the festival reveals God at work in the sphere of human history. Thus Nature and Historical Revelation coincide,

¹ 'Pilgrim Festivals' from רגל, foot, referring to the pilgrimage of Israel, three times a year, to the Holy City.—Ed. Note.

complementing and supporting one another. If you still doubt that the processes of Nature, however uniform they be, are sustained, directed and ruled by an only God, then turn your attention to history, where God manifested Himself as a similar Guide. And if you doubt that God, the All-highest, is yet so near to our low and earthly life, that He cares about human destiny and that He intervenes in order to develop it as the past history of your ancestors would teach you—behold the selfsame God governing the earth in the same manner every year in the unfolding of the seasons before your very eyes.

- 165 HISTORICAL SIGNIFICANCE OF THE JEWISH FESTIVALS: Taken together, the Jewish festivals commemorate the period of Israel's creation and education, from the Exodus from Egypt until the entry into the Holy Land.

Thus their significance is as follows:

Pesach. The Foundation of Israel's Body: Commemoration of the Divine, creative act by which God, true to His promise, broke open the dungeon of Egypt, and transformed the family of Jacob into a nation, after it had grown in numbers in the midst of suffering. This He did by freeing Israel's body from serfdom. Pesach, the commemoration of the Exodus from Egypt, therefore means for Israel the foundation of existence.

Shavuoth. Foundation of the Spirit of Israel: Commemoration of the Revelation of the teaching with which God, Who had summoned Israel to a national existence by means of physical freedom, now summoned the freed body of the nation to be the bearer of His teaching. This gave spiritual completion to that which had been begun physically in Egypt. Shavuoth is thus the commemoration of the Revelation of Sinai, the foundation of life.

Sukkoth. Preservation of the Body of Israel: Commemoration of the physical survival of Israel that had been freed from Egypt by God. Commemoration of the survival during the forty years in the Desert. Preservation of existence.

Shemini Atzereth. Preservation of the Spirit of Israel: Commemoration of the spiritual education and continued infusion of the Torah-spirit received at Sinai during the wandering in the Desert. Commemoration of the spiritual survival in the Desert. Preservation of life. On this account, also, the second day, Simchath Torah, is devoted to the Rejoicing of the Law which was preserved in Israel.

The historical significance of Shavuoth is determined by tradition only, and the historical relationship of Shemini Atzereth to the wandering in the Desert can be ascertained only by analogy and hints.¹

¹ Shemini Atzereth is, however, also *זכר ליציאת מצרים*, a memorial of the Exodus; or, as has been shown in the *Commentary* on Levit. xxxiii, 36, the name Atzereth signifies a gathering of all the impressions and resolutions gained from the Mo'adim and the preservation of these ideals in our daily lives before God. (Footnote in the Second and later Editions.)

THEIR RELATIONSHIP IN THE SEASONS OF THE YEAR:

166

Pesach: By which God reveals Himself as He Who aroused Israel from the wintry sleep of Egypt, is connected with the Spring Equinox (*Tekufah*) (see paras. 255, 256). This is the season in which God reveals Himself in Nature, with His vital dew giving new life to that which died in the bonds of winter.

Shavuoth: Commemorating the spiritual completion of what was newly created on Pesach, is connected with the first summer ripening of that which was newly aroused in spring.

Sukkoth and Shemini Atzereth: These two festivals, commemorating the preservation by God of Israel's body and spirit, are connected with the end of the harvest and the Autumn Equinox (*Tekufah*) (see paras. 255, 256). This is the time when God has already given man, through Nature, the means for his physical sustenance during the winter; and now He begins to carry Nature protectively through the storms and sluggishness of autumn and winter. On the other hand, He also revitalizes the living power of fertility implanted in Nature by means of storm, rain and frost, keeping Nature ever young.¹

THEIR INTERRELATIONSHIP: That which Pesach begins is completed 167
by Shavuoth, and that which Sukkoth begins is completed by Shemini
Atzereth. For foundation and survival of the body only assume value and
significance through the foundation and survival of the spirit upon which
life is based. That is why Shemini Atzereth directly follows Sukkoth. The
significance of Shavuoth as the completion of Pesach is brought to the
fore by the counting of the Omer which connects both festivals (see
Sefirah, chap. 29). That which Pesach creates, Sukkoth sustains; that
which Shavuoth creates, Shemini Atzereth sustains. As Pesach is related
to Shavuoth, so is Sukkoth to Shemini Atzereth; and as Pesach is
related to Sukkoth, Shavuoth is related to Shemini Atzereth.

SPIRITUAL FOUNDATIONS LAID BY THE JEWISH FESTIVALS:

168

Pesach: All members of the community of Israel are bound by destiny and duty to their special task and course throughout their generations, a task for the sake of which God took Israel out of Egypt, 'from the midst of the peoples.'

Shavuoth: Divine origin and eternal validity of the teaching and way of life which Israel has in its possession as the revealed Law to be guarded and fulfilled.

¹ The relationship between Rosh Hashanah and Yom Kippur and the seasons of the year in which they occur, not hinted at in Scripture, nevertheless exists. It is the time when God purifies with storms the powers of Nature that have languished in the past year, and strengthens them with frost, and makes them receptive to new life. All three processes correspond to the educational requirements of all mankind resulting from its past life.

Sukkoth: Israel's physical destiny is and always has been under the special guidance and care of God.

Shemini Atzereth: Just as Torah and the spirit of the Torah were founded and given by God as the soul of Israel's life, so they are also continuously under God's guardianship, and are cared for and preserved by Him.

169 WHAT THE JEWISH FESTIVALS TEACH AND WHAT RESOLUTIONS THEY AIM TO EVOKE:

Pesach. Teachings: General: God rules over both Nature and the lives of nations, separating day from night, life from death. In particular, the One God is Israel's Creator and Saviour—Israel is God's property, God's servant. Resolution: To remain loyal as a rock to the One God in the destiny and life to which He determined Israel as a nation and you personally as a son of Israel. This leads to אהבה, love of God.

Shavuoth. Teachings: General: God summons everything in Nature and humanity to its task, educates mankind to its mission, aims at having human action as the servant of His will and reveals His will for this purpose. In particular: The One God is Israel's Lawgiver. Israel's only task: To bear and fulfil this Divine law and thus to be a kingdom of priests and a holy nation. Torah: Comes from God, is Israel's ground of existence. Resolution: To cling to this Torah—for the fulfilment of which God caused you to be born in the House of Israel—more than to your very life. This leads to יראה, fear of God.

Sukkoth. Teachings: General: God is the Sustainer of Nature and mankind, Master and Distributor of all means of life. In particular, Israel was not only created by Him but also continues to exist through Him. Only from Him comes preservation in the happy as well as in the dark hours of life. Resolution: To look up to God in times of success, as the Source of success, and in need as the Sustainer in need; to preserve a modest sobriety in the face of good fortune, courage and confidence in the face of misfortune. This leads to אמונה, trust in God.

Shemini Atzereth. Teachings: General: God rejuvenates again and again the forces of development. In particular, He keeps His spirit eternally alive in Israel: the Torah is protected in Israel by God, and men of spirit are aroused within Israel by God. Resolution: To drink and to give to drink joyfully from the fountain of the Torah even if thousands scorn it; to cultivate joyfully the light of the Torah, even if thousands announce its extinction; to know that God, from Whom the fountain wells forth, will cause it to flow on pure, that He Who kindled the light will never allow it to become extinguished. This leads to שמחה, joy in God.

170 If we add to the other festivals the Sabbath, as consecration of life, and Rosh Hashanah and Yom Kippur as an examination of life, the following pattern emerges:

Prohibition of Work on Pesach, Shavuoth, Sukkoth, Shemini Atzereth

I. שבת Consecration of life.	
2. פסח Physical creation of nation.	3. שבועות Spiritual creation of nation.
4. סוכות Physical survival of nation.	5. שמיני עצרת Spiritual survival of nation.
6. ראש השנה ויום כפור Examination of life.	

Or, in greater detail:

Creation	1. שבת		Exodus from Egypt
	Consecration of life. God: Sole Creator and Master. You: Creature and servant of the Only One, man and Israelite.		
Exodus from Egypt	2. פסח	3. שבועות	Revelation of Law at Sinai
	Physical creation of nation. Spring. Israel bound in duty and destiny. Life born from death. Israel's existence and duty.	Spiritual creation of nation. Summer. Divine origin and eternity of Torah. All life developed according to His purpose. Israel's law.	
Preservation in the Desert	4. סוכות	5. שמיני עצרת	Permeation of Law in Desert
	Physical preservation of nation. Autumn. Israel's destiny sustained by God. Sustaining Providence. Physical means to Israel's life.	Spiritual preservation of nation. Winter. Israel's Spirit sustained by God. Vital powers granted. Spirit for Israel's life.	

Divine
Atonement

After Sin of the
Golden Calf

6.

ראש השנה ויום כפור

Examination of life.

God: King and Judge and Father.

You: Servant and guilty and child.

Renewal of life.

After the end of the year, Yom Kippur and Rosh Hashanah move to the centre and thus become the bearer for Sukkoth and Shemini Atzereth as the Sabbath is for Pesach and Shavuoth.

1.

שבת

2.

פסח

Task.

3.

שבועות

4.

ראש השנה ויום כפור

5.

סוכות

Life.

6.

שמיני עצרת

Pesach and Shavuoth arise from the Sabbath. For Israel was created for the Sabbath, which mankind had spurned.¹ Sukkoth and Shemini Atzereth really arise from Yom Kippur, for God grants physical and spiritual survival according to the degree of fulfilment of Yom Kippur, Sukkoth completing the *kapparah* (atonement) and Shemini Atzereth the *taharah* (purity).

- 171 The common factor of all these days is that they all interrupt our active life in order to consecrate and equip us by obliging us to contemplate the truths lying at the foundation of our existence; and to endow us with strength for the remaining activities of life. This is just what makes them into Mo'adim. From this general Mo'ed characteristic arises the prohibition of work on all of them. For every activity which the Torah calls 'servile work' (מלאכת עבודה) transforms the objects around us, a process which the Mo'adim should interrupt. Therefore, every activity which only continues life in workaday fashion, through which the world around one is transformed and its future preserved, is forbidden on the Mo'ed. But where Mo'ed itself requires some activity for it to be *מקרא קדש*, i.e., for the positive celebration of the festival (see chap. 24), where material life is—through the festival—raised to Divine service by regarding it as the means of sustenance for Divine service, there is no prohibition of work; and working activity is permitted, yea, even considered a duty.

¹ See Additional Note C., Vol. I, p. 273.—*Ed. Note.*

Therefore the following principles emerge:

(1) מלאכה עבודה (see Levit. xxiii, 7), *i.e.*, every activity which is merely 'servile work' because it has as its direct aim the mere transformation of an object for its own purpose and is therefore done not for the sake of man but for the sake of the object—such *avodah* is forbidden on Yom Tov, as it is on the Sabbath and Yom Kippur; with the only difference that Sabbath and Yom Kippur find their essential characteristic expression and their realization in this refraining from work. That is why one who does a *melachah* on the Sabbath or Yom Kippur is, according to the pronouncement of the Torah, liable to death and destruction.¹ On Yom Tov, however, the injunction not to do 'servile work' only represents the general Mo'ed-concept. It is therefore a simple prohibition and, unlike *melachah* on Sabbath and Yom Kippur, does not bear the character of a capital offence.

(2) אוכל נפש (see Exod. xii, 16), *i.e.*, every activity which directly produces 'natural enjoyment' for the celebration of the Mo'ed day is allowed. Only the natural, usual and general gratification of the senses is covered by the term *ochel nefesh*. For it is just this gratification of the senses which should be ennobled by this part of the Mo'ed celebration, and should thus be purified; but this should be done in a manner that conforms to the idea of the festival and the character of the celebration. *Ochel nefesh* refers, therefore, almost exclusively to the gratification of the sense of taste—not, however, to a gratification of the senses which is artificial, controlled or appertaining only to their refinement. Therefore no work is permitted whose sole aim is to gratify the remaining senses, such as smelling, hearing, vision, etc.

From what has been said in para. 171 it follows that the prohibition of 172 work on Yom Tov does not apply to the following cases:

(1) Any preparation of food which could not be done on the preceding day.

(2) If the quality of the food is improved by its being prepared on Yom Tov itself.

(3) All food preparations on Yom Tov which result in one being able to use the food on the same day only.

Therefore, the prohibition does not apply to:

Slaughtering (O. Ch. 498); scalding hair, salting, cutting away forbidden portions from food (O. Ch. 500); kneading (O. Ch. 506); baking, roasting, cooking (O. Ch. 507); pounding of spices which lose their odour (O. Ch. 504); kindling and the furtherance of any burning (O. Ch. 502, 514); even extinguishing where it is indispensable in the preparation of food (O. Ch. 514); carrying from one domain into another (O. Ch. 518). All these activities are preparations and

¹ See Exod. xxxi, 13-17; xxxv, 2-3; Levit. xxiii, 26-32.—*Ed. Note.*

transformations of existing material for immediate consumption; and fire is a necessary means thereto, and may therefore be handled on Yom Tov; and as far as light is concerned, its handling is permitted for the sake of the honour of Yom Tov and its needs, which comes under the category of 'Mikra Kodesh' (cf. chap. 24). All other *melachoth* remain forbidden as on the Sabbath—that is, not only those that are quite far from the preparation of food, such as those under numbers 12–24 and 27–34 and 38 in para. 148, but also those the product of which cannot be used directly for partaking of on the same day but which only produce material which in turn is capable of being prepared for consumption. So, specifically, ploughing, sowing, threshing, cutting, gathering grapes, wine-pressing, standing sheaves, winnowing, gleaning, sifting, etc., are forbidden (O. Ch. 495, 501). Likewise, catching game, fishing, etc. (O. Ch. 497), plucking out feathers and wool (O. Ch. 498), preparation of coal (O. Ch. 502), pounding salt (O. Ch. 504), any manufacture of instruments necessary for the preparation of food (O. Ch. 509), the manufacture of material for light or for a holder for light (O. Ch. 514), making cheese and butter (O. Ch. 510).

- 173 To safeguard the prohibition against 'servile work' (*melechet avodah*), in view of the permission to work for the sake of food-preparation, various Rabbinical decrees (שבות=*shevuth*) become necessary.

The following have been prohibited by Rabbinical decree:

(1) On account of their similarity to 'servile work': piercing meat in order to suspend it (O. Ch. 500); removing hair with lime (potassium) or with usual shearing instruments (O. Ch. 500); splitting wood with an axe or similar instruments (O. Ch. 501); cutting off herbs with a garden knife (O. Ch. 510); sharpening any knife (O. Ch. 509); producing fire by means of beating, rubbing, and the sun's rays (O. Ch. 502).

(2) The following have been prohibited as they might easily lead to 'servile work': feeding animals not yet caught (O. Ch. 497); testing the slaughtering-knife before the slaughtering (O. Ch. 498).

(3) For similar reasons, other activities are permitted only if done in an unusual manner. For example: blowing the fire up into a flame but not with the usual type of bellows (O. Ch. 502); stacking wood, but only if done in a manner differing from the usual way; conveying loads, but not with the usual means of carriage (O. Ch. 510). Similarly, the concept of *muktzah* (para. 147 and the end of para. 149), which on the Sabbath applies only to objects which owing to their character are excluded from human use on the Sabbath, was extended on Yom Tov also to objects which, though not prohibited by virtue of their character, have not been designated for use by the owner. Thus, everything which is to be used on Yom Tov must be designated for use before the Yom

Tov (הכנה). In the case of animals, where a selection takes place, each one must be specially designated for use, and not simply the whole group together, but where the whole group has already been designated for consumption, nothing more is required. So, for example, unfledged doves of fine breed need to be expressly designated (fledged ones cannot be eaten on Yom Tov on account of the prohibition against catching them), but not domestic chickens and geese (O. Ch. 497). *Handling* any *muktzah* for the sake of celebrating the day is permitted (O. Ch. 509). Furthermore, the task of preparing food necessitated the exclusion of various *shevuthim* (Rabbinical decrees) which were introduced for the Sabbath, such as the *shevuthim* in para. 149 referring to winnowing, selecting, and sifting; the two last ones referring to the *melachah* of 'treatment of the skin' (see paras. 148 and 149 of this work and O. Ch. 510); the first *shevuth*, referring to the *melachoth* of building and demolishing (see paras. 148, 149, and O. Ch. 519).

Activities of which the direct aim is to provide food for the same day of Yom Tov, and which are therefore permitted, are by way of extension also permitted in order to derive therefrom other contributions to the celebration of the day, however small, if the purpose is a normal one, not one of luxury (מתוך שהותרה לצורך הותרה גם שלא לצורך). 174

This principle (מתוך) is all the more important in practice because it has been extended to other subjects than food, *e.g.*, to the case of carrying from one domain to the other, which is permitted on Yom Tov not only for food but also for other things necessary for Yom Tov (for details see O. Ch. 518). Similarly in the case of keeping up a fire for the purpose of warming oneself, for boiling water or washing hands, etc. (but not for bathing and washing the whole body). It is not permitted to strew spices upon coals in order to create perfumes for fumigation (מוזמר) as these are luxurious indulgences (O. Ch. 511).

In deciding whether an activity is, by means of its result, a direct contribution to the celebration of the day, one at first needs to consider only the product itself with all its essential relationships, but not the arbitrary intentions of the owner. Therefore, *e.g.*, the preparation on Yom Tov, immediately before its termination, of foodstuff belonging to a non-Jew or to oneself is an infringement of the laws of Yom Tov. But to prepare one's own foodstuff for the non-Jew or for the next day is primarily not an infringement of the laws of Yom Tov, as long as partaking of the prepared food on that day is still possible: for the decision that the food should be used for a non-Jew or for the next day does not lie in the object itself but in the will of the owner (הואיל). But *se'yag* (Rabbinical decree) draws the purpose into the sphere of the prohibited, and everything which is not, in part at least, an intended 175

contribution to partaking on the same day is forbidden. Therefore any activity which is *melecheth avodah* ('servile work') and is done exclusively for the next day or for non-Jews is not allowed on Yom Tov (O. Ch. 503, 512).

176 This *se'gag* (Rabbinical decree) was not applied to the case where the Sabbath directly follows Yom Tov. Freedom was therefore given to undertake any activity permitted on Yom Tov for the following Sabbath. However, in order that work for another day should not harm the holiness of Yom Tov, this activity on Yom Tov for the following Sabbath was permitted only if some food was prepared for the Sabbath on a weekday so that the activity of preparing for Sabbath on Yom Tov is only a continuation and a completion of that which had already been started on a weekday. This is called *Eruv Tavshilin* (ערוב תבשילין) (concerning this, see O. Ch. 527).

177 The second day of Yom Tov, which was originally added to all Yamim Tovim outside the Land of Israel out of necessity and then as *takanah* (see chap. 78, and S. R. Hirsch, *Commentary* on Deut. xvii, 8-13; note to 2nd Edition), is like the first in all respects. There is some difference only in relation to a funeral and to a person who is ill but not seriously (concerning this, see O. Ch. 496).

The days which bear the characteristic of Mo'ed through prohibition of *melecheth avodah* ('servile work') and on which only *melecheth ochel nefesh* is permitted are therefore: the 15th and 16th, 21st and 22nd of Nisan, the 6th and 7th of Sivan, the 1st and 2nd, 15th and 16th, 22nd and 23rd of Tishri. The characteristic of the Sabbath, i.e., the prohibition of every working activity, belongs only to the seventh day of the week—the Sabbath—and to the 10th of Tishri (Yom Kippur). Concerning Chol Hamo'ed, see chap. 24, para. 183.

THE CELEBRATION OF SABBATH AND
YOM TOV

מקרא קדש, כבוד, ועונג ושמחה

*And the Lord spoke unto Moses, saying:
Speak unto the children of Israel, and say unto them:
The appointed seasons of the Lord,
Which ye shall proclaim to be holy convocations,
Even these are My appointed seasons.*

LEVIT. XXIII, 1-2.

*And thou shalt rejoice in thy feast,
Thou, and thy son, and thy daughter, and thy manservant, and
Thy maidservant, and the Levite, and the stranger, and the
Fatherless, and the widow, that are within thy gates.*

DEUT. XVI, 14.

*If thou turn away thy foot because of the sabbath,
From pursuing thy business upon My holy day;
And call the sabbath a delight, and the holy of the Lord 'Honourable';
And shalt honour it, not doing thy wonted ways,
Nor pursuing thy business, nor speaking thereof;
Then—
Shalt thou delight thyself in the Lord,
And I will make thee to ride upon the high places of the earth,
And I will feed thee
With the heritage of Jacob thy father;
For the mouth of the Lord hath spoken it.*

ISA. LVIII, 13-14.

You should proclaim the Sabbath and Yom Tov as sanctuaries. You 178
should express their meaning for yourself and for others with your
whole being: that they are sanctuaries for the spirit and the mind. You
should *present* them thus to yourself and to others and should ex-
perience them as such in spirit and mind.

They are to be *presented* as sanctuaries:

- (1) By the appearance of your whole personality.
- (2) By your activity.

They are to be *realized* by the *Mitzvah* of the Day and Divine Service;
also:

- (1) By physical enjoyment.
- (2) By spiritual and mental activities.

(3) For the Sabbath by attaining the inner *menuchah* (מנוחה), peace of mind; for Yom Tov, by attaining *simchah* (שמחה), the true, undimmed joy.

179 *Presentation*: (1) By the appearance of your personality in home, clothing, body and bearing. Prepare yourself to welcome the festive time as you would for the arrival of a cherished guest: let your house be clean and well-ordered, your table be laid neatly, with light in the rooms in which you dwell, certainly where you have your festive meal; you yourself should be properly washed and clothed in festive garments. And on the Sabbath your bearing should indicate that you are not pursuing any external purpose that day; your inner self should be imbued with the striving after the spiritual gifts of the day, with power to consecrate (O. Ch. 260-3, 529, 301).

180 (2) By your activity. The prohibition of physical effort and concern with physical matters which is so often wrongly considered to be the basic concept of the refraining from work (*melachah*) on Sabbath and Yom Tov here comes to the fore.

You should not tire out your body on Sabbath and Yom Tov, nor should you burden yourself with cares about physical matters in your spirit and mind, in word and deed. Let room be made everywhere for spiritual and mental activity and for care about your spiritual welfare. The body should rest so that spirit and mind may awaken and be opened to the spiritual blessing of the Sabbath and the joyful consecration of Yom Tov. Besides the *melachah* (work) on Sabbath and *melechet avodah* ('servile work') on Yom Tov (chaps. 21-23) *the following are forbidden*:

(i) *In deed*: (a) The slightest unnecessary physical effort (O. Ch. 324, 503). Every physical activity which is to any extent strenuous even if it is necessary (O. Ch. 333, 335, 338, 510, 521, 498, 499). Every activity of a weekday nature (O. Ch. 498, 504, 510). (b) Every trading activity, and all business associated with it, or one which is a preparation for the weekday, even if it is only apparently so. This prohibition includes buying, selling, dispatching, measuring, weighing, concerning oneself with travel and transport matters, going out with staff in hand, going up to the walking limit (*techum*) in order to wander further for business purposes as soon as the day of rest is over, etc. (O. Ch. 306, 252, 500, 301, 522, 323, 245). All this is also forbidden through non-Jews (O. Ch. 244-6 and *passim*) and even if it was arranged before the day of rest that any of these items be done by a non-Jew, it is only permitted under special conditions (*ibid.*).

(ii) *In word*: Every word which is not intended for the celebration of the day or for some charitable purpose, let alone one which belongs

to working and business life. Thus any word which concludes a purchase, a loan, a credit or any other transaction, even if it is only a calculation, is forbidden. Likewise, to declare the price of an article, to appoint labourers, etc., to decide business matters involving action after the day of rest, to read business letters, bills, deeds, or generally to read and speak of things which do not make a person wiser, better or stronger in the fear of God. Conversation about the events of the day is permitted only if it is directed towards a higher purpose or if it has the subsidiary aim of enlarging the enjoyment of the day's events. Similarly, the fetching of things for meals from the usual seller is permitted, if done without mention of price, measure, weight or number, other than that which is indispensable for describing the desired object (O. Ch. 306, 323, 500, 517).

(iii) *In thought*: Thoughts belonging to working or business life, whether regarding a completed transaction or some business in the future, are prohibited. Likewise every thought which does not make one wiser, better, or stronger in the fear of God, or busying oneself with those sections of the sciences which bring knowledge but do not bring the wisdom of life to spirit and heart (O. Ch. 306, 307).

Realization: (1) *By means of sublimated material life*. The Torah impresses 181 upon your mind again and again the fact that Sabbath and Festival do not summon you to a superhuman stage; an aim which would be very difficult to follow, since you are man and not angel. Your task is to be a man and to serve God in your human life and with your human life. That is why it is always part of the festive celebration to sublimate your everyday life and to enjoy yourself—before God—and to make what you have most in common with the animal, your sensuousness, part of the celebration. In this way you realize that your whole life—from your most spiritual thought down to your bodily pleasure—your whole life can and should be a Divine service, permeated with the spirit of the Sabbath and Yom Tov. In the Jewish view, even gratification of the senses is a Divine service if it is controlled by law and dedicated to that holy aim which God's wisdom set for it. Thus should it be with everything, be it bodily pleasure or intellectual or artistic attainment.

There is no part of your life in which you may be purely animal-like—you must purify, sublimate and refine everything into Divine service by observing the Divine law. That is why *Se'udath Shabbath* and Yom Tov is a *mitzvah*, and you should add whatever you can, however small, to your usual meal, for the celebration of the Sabbath and Yom Tov. And whenever you partake of food on the Sabbath or on Yom Tov, then do it with that intention, so as to consecrate even your body to the holy service of God, for it is there, in the sublimation of your bodily desires, that the consecration of your whole being begins, yea, is founded

(O. Ch. 242, 250, 280, 529) (*cf.* para. 463). Have two complete loaves, if possible, at the evening and morning meals, reviving thereby the memory of the Divine love shown to our fathers, which gave them a double portion of heavenly manna on the sixth day, to cover the need for the seventh day as well; this fatherly love of God also watches over you in your own life and sends you heavenly manna in the bread which you earn (O. Ch. 274, 529). For the Sabbath, which—more than Yom Tov—is meant for the consecration of every individual to his task within his circle, this religious meal, purifying physical needs by raising them into a higher sphere, is resumed at every turning-point of the day, in the evening, in the morning and at the time of Minchah (*Shalosh Se'udoth*, שלוש סעודות) (O. Ch. 291).

- 82 (2) *By mental and spiritual occupation.* The *mitzvah* of the day is *issur melachah* on the Sabbath, matzah and sukkah and lulav and shofar on Yom Tov (see chaps. 21, 26, 27, 30, 31, 32). The two Mo'adim which represent purely spiritual matters, Shavuoth and Shemini Atzereth, have no characteristic *mitzvah*-symbol of their own, no outward expression in action of their significance, which has itself only been preserved by tradition. This would seem to suggest that Israel would cease to exist if the significance of Shavuoth and Shemini Atzereth, which concern the national soul of Israel, were to disappear from the minds of Israel. Your aspiration on the Sabbath and on Yom Tov should be to pursue in your inner self that which the *mitzvah* of the day has begun to stimulate, and that which is set before you for contemplation in the Divine Service of the day. You should meditate on the leading ideas of the Sabbath and Yom Tov and introduce them into the sphere of your own life in order to become aware of your own duty and vocation and to gain strength for their fulfilment in fear of, love of, and trust in God. After the morning meal try, if there is an opportunity in your community, to hear elucidation of the Torah, the light upon the way of your life. For there should be no community in Israel, whether small or large, without a religious discourse on the Sabbath or on Yom Tov, where the spirit of the Torah does not reveal the day as a source of holiness, where the inspiring word of the prophets does not resound, moving the heart and sowing the seeds of life. If you lack this opportunity, then study the writings of the Sages yourself. If possible, attach yourself to a man who can explain these writings to you. On the Sabbath and on Yom Tov try to become wiser, better and stronger for the understanding and fulfilment of your life's mission however and wherever you can. This concerns particularly business-men and workmen, who have to concern themselves during the weekdays mainly with worries about livelihood and trade! Sabbath and Yom Tov is meant mainly for you. Not only are you to rest from physical labour,

you are also to reflect about your better selves, your spirit. The less time you can devote yourselves to this during the week, the more should you devote yourselves to it on the Sabbath and on Yom Tov. Then you should learn to know God, to know His world, to know His word, to know yourselves and the duty of your life. Look upon yourselves, upon your wife, upon your home, upon the greatest treasure of your home—upon your children. On weekdays you gain for them food for their bodies, payment for teachers and schools. But bread, teacher and school are of little avail if you do not yourselves become for them priests and priestesses of life. At least devote yourselves to them on the Sabbath and on Yom Tov. On the Sabbath and on Yom Tov consecrate your house into a Divine temple in which your children make a covenant with God and in which they become strengthened for their task as men and Israelites. On Sabbath and Yom Tov consecrate yourselves to the task of priests of mankind and of Israel, and with your own exaltation, with your consecration, with your strength, lift up the children and the home to God. And beyond the precincts of your home, devote yourselves to your community, to every poor man, to the widow and the orphan, you who during the week live mainly for yourselves. Therefore, the following is the rule for your Sabbath and Yom Tov occupation: you may mentally calculate, think over and discuss everything which brings you and your home nearer to the fear of God, everything which concerns your communal life, giving bread to the poor, instruction, education and provision to the orphan, and every merciful purpose, as also every *mitzvah*. But you may nevertheless not conclude any financial arrangement. Conversation and reading material should also consist only of that which leads to wisdom, strength, or the fulfilment of duty—to life before God (O. Ch. 306).

(3) *By achieving peace of mind on the Sabbath and joy on Yom Tov.* The Sabbath should bring you that peace of the soul which regards the whole of life with its joy and sadness as a task, in which the partition between the sweet and the bitter has fallen, and which is exalted above worry and depression. It gives birth to that joy of life in which man gains strength for the fulfilment of every task, for he sees God, the heritage of your father Jacob, above him. And Yom Tov should bring *simchah*, joy—that pure and true joy of living before God and through God—the only mood which widens our human sympathies, makes us capable of fusing our own individual feelings with those of כלל ישראל, the community of Israel, and of calling strangers, and orphans, widows and the poor to join in our gladness (O. Ch. 529). Strictly personal joys should, however, not be intermingled with the national joy and no wedding should therefore take place during the time of the festival (O. Ch. 546).

- 184 *Chol Hamo'ed*. There are days which bear only the characteristics of *Mikra Kodesh*, without the prohibition of *melecheth avodah*. The only rule with regard to working activity is, therefore, that they should be regarded as 'kodesh,' sacred, a time which is raised, for a special purpose, above other days. This entails refraining from physical effort and from concern about the gaining of material benefit. These days are termed the 'intermediary' days, which are called 'Chol Hamo'ed' on account of this combined characteristic of weekday and festival.

On these days every activity which even provides only materials for food-preparation for the Mo'ed is permitted. Thus also one may cut and gather grapes, and catch game; but those for whom the aforementioned activities are their normal occupations should not carry them out publicly on Chol Hamo'ed, in order to avoid the appearance of industrious trading activity (O. Ch. 553). Buying and selling victuals (O. Ch. 539) and every other activity which contributes to the celebration of the Mo'ed is permitted. Yet this should be done with as little effort as possible, and be characterized by deviation from the usual manner of handling so that it will not appear as trading activity (O. Ch. 540, 542). Every activity whose only purpose is the retaining of that which is already in one's possession, *i.e.*, to forbear to do which would mean forfeiting its possession (דבר האביר), is also permitted if done with as little effort as possible (O. Ch. 534-8). Everything else which, on the one hand, does not contribute at all to the celebration of the Mo'ed, or, on the other hand, is only an aggrandizement of property, to forbear to do which would not cause actual loss, is forbidden. Also all paid work, except for one who would otherwise have nothing to eat. For more detailed information about the whole matter, see O. Ch. 533-45. In all other matters, in significance and manner of celebration, the intermediary days are like the days of the festival (O. Ch. 530).

- 185 After these general remarks, we hereby add some more details worthy of note:

On the day before the Sabbath and Yom Tov travel only in such a way that you arrive at your home at the proper time, in order that you can prepare yourself properly for the Sabbath and Yom Tov. Do not arrange any banquet to celebrate an occasion if it must not of necessity be done on this day. Even an ordinary meal should not be eaten after three-quarters of the day has passed, or at least it should be done in a frugal manner. A public fast day should be kept until night on Friday. In the case of a private fast day, it is good not to vow to continue the fast until night. Yahrtzeit is fasted in full even on Friday if the first Yahrtzeit was on another weekday, or on Friday and it was fasted in full, but not if the first one was on Friday and it was not fasted in full

(O. Ch. 249). Do not think it beneath you to prepare something yourself for the celebration of the Sabbath (O. Ch. 250). If possible do not undertake any occupation which will be a hindrance to your preparation for the Sabbath (O. Ch. 251). The kindling of lights is the special duty of the housewives, if they are present, as they are the priestesses of home-life. With the kindling of the lights these have, as a rule, taken the Sabbath duties upon themselves (O. Ch. 263). The concept and celebration of the Sabbath and Yom Tov themselves exclude all fasting and mournful feeling. When visiting the sick and mourners, one should point to the healing and comfort which lie within the significance of the day (O. Ch. 287, 288). One should not cry, lament or wail on the Sabbath and Yom Tov, but should shun care and sorrow. The Sabbath, if well understood, allows of no cares. It teaches cheerfulness in misfortune, that is, to be happy in misfortunes as in good fortune, since they both entail the realization of the task of life. Yom Tov dissolves the consciousness of every personal misfortune in the joyful communal feeling. One should not fast on the Sabbath. Nor should public lamentations and supplications be instituted, except in cases of famine or to help those who are in danger of life on that day (O. Ch. 287-8). Rosh Chodesh (para. 259) should also be characterized by special food at the usual meals (O. Ch. 419). Our Sages have prohibited the preparation of a dignified personal appearance in the intermediary days of the festival in order to ensure that you shall so act before the festival. For our hard work on weekdays might cause us to work in our business until the very beginning of the festival, and thus to welcome it in an undignified manner and to postpone the dignified appearance of our personality to the intermediary days of the festival. For our Sages knew that whether the festive time becomes for us what it should become depends on the state of mind in which we welcome it. Therefore, they prohibited cutting one's hair and beard and washing clothes on Chol Hamo'ed (O. Ch. 531, 534). It is true that this prohibition, especially in our part of the world, where men usually do not grow beards, will stop us in the intermediary days from removing the growth of the first days. But this unseemly outward appearance, as it results from the prohibition and not from our neglect, is not an abasement of the festival. And this apparently unpleasant effect is far outweighed by the purpose which is safeguarded by this prohibition. And although this *takanah* may, if judged from the outside, appear to contradict itself, especially in our time, it is in reality not so. But even if it were so, the prohibition against removing the growth of hair on Chol Hamo'ed would still remain law, even in changed circumstances as long as a legal authority, superior in number of members and wisdom in the law to that which introduced the *takanah*, has not abolished it (chap. 78). On the other hand, the observance of just this law gives us an opportunity of showing whether the Mo'ed has filled us with the spirit

and significance of Israel, so that, unconcerned about the superficial voice of the time, we have regard for the institutions of those who were the supporters and bearers of our people through thousands of years. This consciousness and the spirit that speaks to us even through the smallest ordinances of our Sages will easily compensate us for the discomfort and the 'superior' and pitying smile of our time. Shaving off the beard is, therefore, forbidden on Chol Hamo'ed unless involuntary and obvious compulsion has prevented one from doing it before the Mo'ed. It is permitted to cut the moustache and to cleanse the hair of the head (O. Ch. 531, 532). Laundering should not be done, but is permitted if it was manifestly impossible before Yom Tov or is of such things as tablecloths used on Yom Tov. Children's laundry is also permitted (O. Ch. 534).

25

KIDDUSH, HAVDALAH AND TOSAFAH

קידוש, הבדלה ותוספה

Remember the sabbath day, to keep it holy. EXOD. XX, 8.

Observe the sabbath day, to keep it holy, as the Lord thy God commanded thee. DEUT. V, 12.

And thou shalt remember that thou wast a servant in the land of Egypt, and the Lord thy God brought thee out thence by a mighty hand and by an outstretched arm; therefore the Lord thy God commanded thee to keep the sabbath day. DEUT. V, 15.

- 186 Consider well the concept and the significance of the Sabbath day; then will you enshrine it in holiness, a holiness which will enfold you also and will exalt you in your destiny, which, too, is holy. Let your thoughts be twofold: ponder (i) the appraisal of the Sabbath day for mankind as a reminder of God and of man's mission; (ii) the significance of the Sabbath day for Israel, to whom salvation came so that this people might bear aloft the Sabbath which had been spurned by mankind (see para. 140). Keep this thought ever fresh in your mind and guard it; think of it each time the Sabbath arrives so that it does not come to you in vain, so that you do not receive it with indifference and disregard; then will the Sabbath indeed become holy for you. Have regard to it even when it has taken leave of you so that it will have brought holiness to you not just for the short time it stayed with you; and, when

you resume your workaday life, you will not live as though you had never had the Sabbath. Let it be as was intended, a sanctifying influence in your life throughout the coming week.

This appraisal and observance of the Sabbath are effected in two ways: 187
(i) through *tefillah* (see Section VI, chaps. 103-4); (ii) through Kiddush and Havdalah.

Kiddush (קידוש): In the *tefillah* in which you greet the Sabbath you revive in your mind, through ויכלו and רצה, the thought underlying the institution of the Sabbath, and you apprehend its gifts (O. Ch. 650). Then you introduce the Sabbath idea directly into your household, into the place where, above all, the fruits of the Sabbath will ripen for you. Step towards the table laden with the Sabbath meal (O. Ch. 180) and repeat the charter of its foundation (ויכלו), beginning with the words ויום הששי; thus declaring that after the creation of man, Sabbath followed immediately as the eternal monument and reminder to man of his mission in life, appointed by God to act in God's world according to God's will. Proclaim Israel's inheritance of the Sabbath as witness for Israel (זכר ליציאת מצרים) of God as Creator (זכרון למעשה בראשית) and fortify your resolve to let the Sabbath achieve within you its ordained purpose.

In accordance with the ordinance of our Sages, Kiddush must be recited 188
over a full cup of wine. This follows a principle of our Sages which demands a כוס (cup) whenever a blessing is said in connection with an extraordinary occasion or a milestone in the life of the Jew, particularly where the occasion is one sent by God as a direction relating to our whole mode of life.¹ The Hebrew word כוס, which is derived from כסס or כוס, has the root-meaning of 'counting' or 'determining' and therefore denotes a vessel holding a fixed measure. (For this symbolical purpose the minimum measure is always a רביעית—i.e., the quarter of לוג, which quarter amounts to the contents of one and a half eggs.)

In the תנ"ך (Hebrew Bible), כוס is always a figurative expression of the Divinely ordained purpose of life.² In this sense the cup is also used by our Sages as a symbol replete with meaning for such occasions as mentioned above. The drinking from the cup thus expresses the taking to heart and affirmation of a Divinely ordained destiny (cf. paras. 212, 677 [1], 680, 681). The order of the Kiddush is therefore: (i) ויכלו; (ii) מקדש השבת; (iii) בורא פרי הגפן.

As soon as you arrive home from the House of Prayer, approach the 189
Sabbath meal and recite Kiddush so that immediately the Sabbath

¹ Such occasions are, for instance, *Brith Milah*, Grace After Meals, the wedding benedictions, Kiddush, Havdalah and Seder.—Ed. Note.

² Cf. Ps. xxxiii, 5.—Ed. Note.

enters you welcome it into your home with devotion and contemplation. Before Kiddush do not eat or drink anything at all. The cup must be full and whole as for Grace After Meals. A considerable amount should be drunk from the cup after Kiddush. If there is an interruption between the recital of the Kiddush and the drinking, **בורא פרי הגפן** should be repeated (O. Ch. 271). If Kiddush is omitted in the evening, the omission may be rectified at any time of the Sabbath day but without saying **ריכלו**. The **כוס** for Kiddush may be only of unspoilt wine. If wine is not available, Kiddush should be recited over bread pertaining to the Sabbath meal (O. Ch. 272). It is best to recite Kiddush, which is meant to introduce the Sabbath-concept into your home-life, in the room where the incoming Sabbath meal is eaten. If Kiddush and the Sabbath meal are to be taken in two separate rooms in the same house, there must be the intention at the recital of Kiddush to have the meal subsequently in that other particular room. The meal should begin immediately after Kiddush in the appointed place unless prevented by unavoidable circumstances. The meal is considered duly and properly begun even if only a piece of bread of the size of an olive or wine of the content of one and a half eggs is consumed immediately after Kiddush; thereafter the meal may be completed elsewhere (O. Ch. 273).

- 190 In order to preserve the concept of the Sabbath, our Sages also introduced Kiddush for the Sabbath morning. This Kiddush, too, is recited with a *berachah* over a cup of wine or, when this is not available, over some other popular drink—but not over water. The *berachah* should be preceded by the recitation of **ושמרו**, the injunction that 'Israel should keep the Sabbath,' and, according to some, also by **זכור**, the passage enjoining one to 'remember the Sabbath' (O. Ch. 289).
- 191 *Havdalah* (**הבדלה**): This has been introduced into one's home-life at the conclusion of the Sabbath in order to preserve during the workaday week then beginning the concept of one's mission in life which one has gained from the Sabbath that has now bidden us farewell. In *Tefillah*, see Section VI (para. 651). After you have, through *tefillah*, conceived your working week in the spirit of the Sabbath, you at once introduce this spirit into your occupational life itself through the Havdalah, which you recite over the winecup, proclaiming God as the Designer of life's cycles—that the weekdays, like the Sabbath, are planned by Him as patterns and directives of His wisdom. Indeed, just as the holy is set apart as a contrasting standard for that which is unholy and which needs sanctifying (light and darkness; Israel and erring mankind), so also must the Sabbath be kept distinct and marked out as a beacon for the weekdays and find its culmination in those very weekdays by your decision to fulfil God's holy purpose of the Sabbath in your workaday life.

The Havdalah benediction is also, as a rule, recited over a cup of wine or, if that is not available, over a cup of some popular drink. Only when Yom Tov and the conclusion of Sabbath (מוצאי שבת) coincide, in which case the Havdalah is incorporated in the Kiddush, may the Havdalah (incorporated in the Kiddush) be recited over bread when wine is not available (O. Ch. 296).

To the Havdalah benediction over a cup of wine are added בשמים and 192
נר—i.e., fragrant spices and light.

בשמים: The sense which borders closest on the spiritual and also acts directly upon the mind—indeed, it revives the languid—is that of smell. בשמים were therefore added to the Havdalah benediction to remind you that now that the Sabbath, the source of your becoming invigorated, consecrated and dedicated, has departed, you should cling fast to the spiritual strength which you have already gained from the Sabbath and not be dragged down by your weekday occupations. Spices used for an unworthy purpose may not be used for Havdalah.

נר: The element by which man can extract objects from Nature and by which he gains control over things (and by which night subtly transforms itself into day), thus averring and confirming man's mastery over Nature, is fire.

And so, as soon as you again enter your working week, and you commence your struggle to control the forces of the world and to make things follow your behest, you should assert, as the Sabbath has taught you, that you are active only by the power of God and by the strength given you by God and by His will. You should therefore declare that the element let loose so ingeniously, which is the product helping you to master the world, is a gift presented to the world by God. It is incumbent upon you, therefore, to will and to implement this mastery of the forces of the world only in accord with God's will. That you have this intention very much at heart you manifest by uttering the expressive benediction בורא מאורי האש over a meaningful symbol of the content and intent of your mission in life, as the Sabbath has taught you.

This *berachah* is recited only over fire in its gentle and beneficial purpose—namely, as fire assigned for giving light. The Havdalah-candle should be a kind of torch. Any form of double light is considered a torch. The flame over which you wish to pronounce the benediction must actually give you light, because, unless the light is there for you to enjoy, the benediction loses its meaning. That is why you must close your hand with the back of it facing the light, and then you open your hand, clearly differentiating between your nails and your flesh, and thereby you at once accentuate light and shade, and this contrasting light serves the purpose of enabling you to distinguish things and to

appreciate the presence, absence and use of light. The light must not have directly contributed to the implementation of any activity forbidden on the Sabbath, but any lighting emanating from it indirectly is permissible. If you have not pronounced the Havdalah benediction over *בשמים* and *נר*, do so as soon as you have *בשמים* and as soon as you perceive the first flame intended for lighting purposes (O. Ch. 298). The order to be followed in the Havdalah ceremony is: (1) wine, (2) spices, (3) light, (4) the Havdalah benediction and prayer. According to custom, this ceremony is introduced with the cheering verse of *הנה אל ישועה*, for a happy future.

193 As soon as it becomes dark you must not partake of anything until you have made Havdalah. If you missed making Havdalah when Sabbath ended you may still perform it in the course of the early part of the week, *i.e.*, until the end of the third day. But then you should pronounce only the benediction over wine and *המבדיל בשמים* and *נר* are applicable only at the outgoing of the Sabbath. Work in general is forbidden before Havdalah. If, however, you have already said the Havdalah benediction and prayer in the *tefillah* and you have to execute a piece of work before you can recite the Havdalah over a cup, you may do such work. If you are obliged to do a piece of work before you have said Havdalah in the *tefillah*, then first say at least *בין קודש לחול*, which condenses in shortened form the purport of Havdalah (O. Ch. 299).

194 *תוספה*: From the duty to ponder over the concept of the Sabbath when the Sabbath commences and to affirm that concept when the Sabbath departs there follows this corollary: It is above all your duty not to limit the influence of the Sabbath to the short period of its duration but to let its holiness overflow into the week. This means that you must in fact somewhat extend the celebration of the Sabbath beyond its prescribed period, adding to it, both before and after, a little of the working days. In this way you declare that the Sabbath does not stand isolated, as if your time was, so to speak, divided into one part in which you live for God and another in which you live for yourself alone. On the contrary, your working days, past and future, must be suffused with the spirit of the Sabbath. Thus will your workaday week itself in time become transformed, as it were, into a Sabbath because you will be doing your work only in the Sabbath spirit and its holiness must consequently sanctify you. This additional boon of the Sabbath is known as *Tosafah* (*תוספה*).

Thirteen and a half minutes before it is really night—*i.e.*, before the appearance of at least three medium-sized stars, it is doubtful whether it is night or day. Any work is therefore already prohibited because of

that doubt except where such work is a *mitzvah* or is intended for some other urgent purpose, when it may be done by a non-Jew. Before these thirteen and a half minutes, when it is still day, you should extend the period of the Sabbath at its incoming by refraining from work for all or part of the seventy-two minutes before nightfall. In other respects, as soon as **ברכי** in the Ma'ariv Service is said, the obligations of the Sabbath devolve upon you and all work is prohibited (O. Ch. 261). Even if you have not yet yourself said your Ma'ariv (evening devotions), but the community has already heard **ברכי** in the synagogue, work is prohibited for you; and the same applies, too, if you say your evening devotions (Ma'ariv) earlier than the community does (O. Ch. 263). When Sabbath terminates you must similarly add a little time to actual nightfall (O. Ch. 293). And in the same spirit some of the external celebration of the Sabbath, such as the preparation of the table and the special meal, has been instituted for the departing Sabbath too.

Kiddush and Havdalah, and also the duty of Tosafah, have been carried 195
over from the Sabbath and introduced into the observance and celebration of Yom Tov.

(1) *Kiddush for Yom Tov*: See Section VI (para. 650) in *Tefillah*. The cup: the basic idea is the same as that for the Sabbath—namely, the introduction of the significance and idea of the day into one's home-life as the place where that idea can be truly fulfilled. The Kiddush is therefore like that for the Sabbath in all respects except in its form. The latter is adjusted to the character of the day.

For the Festivals (רגלים): The festivals attest the choice and destiny of Israel in the light of the significance of every act of bodily and spiritual creation by God and His providence. You must resolve to observe the incoming festival fully in your own life according to its ordained purpose and significance (**אשר בחר**). On the first two nights of all festivals, *i.e.*, the first and second nights of Passover, both nights of Shavuoth, the first two nights of Sukkoth and both nights of Shemini Atzereth you add to the Kiddush the inspiring benediction of **שהחיו**, in which you acknowledge that the benefits of the festival which are yours to enjoy are God-given, and you give thanks for them and undertake to make use of them according to the will of Him Who bestowed them upon you. The order to be followed in the Kiddush is as follows: (1) **שהחיו**, (2) **אשר בחר**, (3) **בורא פרי הגפן**.

In the morning Kiddush you stress the Divine origin of the festival by the short verse **וידבר משה** and by the blessing **בורא פרי הגפן** (O. Ch. 473, 643, 661).

For Rosh Hashanah (רא"ה): The Kiddush is identical with that of the festivals except that the special significance of the day is declared through its

designation as *יום זכרון תרועה*, or on the Sabbath day as *יום זכרון תרועה* (para. 233); and you bear in mind your duty to observe the day duly and properly. The blessing is pronounced on both nights. In the morning Kiddush you substitute *תקעו* for *וידבר* as is appropriate for the character of the day (O. Ch. 600).

On Yom Kippur there is, of course, no Kiddush over a cup and only *שהחיינו* is said (O. Ch. 619).

(2) *Havdalah for Yom Tov*: See *Tefillah*, Section VI (para. 651). Over a cup: exactly as on the Sabbath day in its basic idea; and so it is similar to it in all respects except for the use of *בשמים*; because the festivals, unlike the Sabbath, are not sources of hallowing and strengthening the *whole* life of every individual. They rather stress certain aspects of life and more particularly the national life of the children of Israel. *נר*, for the same reason, does not apply and this is further emphasized by the fact that not every kind of work is prohibited on Yom Tov. Only on *יום כפור* do you add *נר* because all and every kind of work is forbidden. But here, too, *נר* has not the same significance which it has on Sabbath, when it teaches symbolically the subservience of world-dominating man to the will of God. It shows merely that the working days begin again, and fire appears again as the symbol of all working activity. From this it follows, too, that for *נר* for Havdalah at the conclusion of Yom Kippur you may use only such light as already existed before Yom Kippur and which was not used for any prohibited purpose. You may not use light artificially kindled just then. *בשמים* are not used on Yom Kippur because this day, unlike the Sabbath, is not meant for strengthening the individual but rather for his purification.

The order, therefore, for the transition from Yom Tov to the working or intermediary days is: (1) *בורא פרי הגפן*, (2) *הבדלה*. At the conclusion of Yom Kippur: (1) *בורא פרי הגפן*, (2) *נר*, (3) *הבדלה* (O. Ch. 491, 624).

If the conclusion of Yom Tov coincides with the incoming of the Sabbath, Havdalah is not recited. On passing from Sabbath into Yom Tov you include Havdalah *בין קדש לקדש*, which is similar to *ותודיענו*, in the Kiddush. The order of the Kiddush then is: (1) *יין*, (2) *קידוש*, (3) *נר*, (4) *הבדלה*, and (5) *שהחיינו*. Spices (*בשמים*) are eliminated because the Yom Tov idea itself provides support for the concept which you have acquired of the Sabbath idea (O. Ch. 473, 491). If Yom Tov and Sabbath coincide, Kiddush comprises the features of both: (1) *ויכלו*, (2) *בפה"ג*, (3) *אשר בחר*, in which Sabbath is included, etc. At Kiddush in the morning, the order is: (1) *ושמרו*, (2) *וידבר* or *תקעו*, (3) *בפה"ג*. The Havdalah is as at the conclusion of the Sabbath (O. Ch. 473). Tosafah: On Yom Tov, both when it begins and when it terminates you should add a little time from your workdays, just as you do on Sabbath. On Yom Kippur you add a little time from both the preceding

and the following day, as a restraint on enjoyment and as a refraining from work.

Just as you attest שמירה, the preservation of the concept of the Sabbath, 196
by word and deed in the הבדלה and תוספה at the conclusion of the
Sabbath, so, too, must you count the days of the week during the whole
of the week according to their distance from the Sabbath that has
passed, so that Sabbath will be ever present to you as the medium
and basis for your being holy, and the days of the week will then
become but offspring of the Sabbath. Thus you call the weekdays
שלישי בשבת, שני בשבת, אחד בשבת, etc.

THE PROHIBITION AGAINST THE ENJOYMENT,
USE AND POSSESSION OF CHAMETZ AND THE
COMMANDMENT TO REMOVE CHAMETZ

איסור אכילה הנאה ומציאה ומצוות שביתה של חמץ

And Moses said unto the people: Remember this day, in which ye came out from Egypt, out of the house of bondage; for by strength of hand the Lord brought you out from this place; there shall no leavened bread be eaten. This day ye go forth in the month Aviv. And it shall be when the Lord shall bring thee into the land of the Canaanite, and the Hittite, and the Amorite, and the Hivite, and the Jebusite, which He swore unto thy fathers to give thee, a land flowing with milk and honey, that thou shalt keep this service in this month. Seven days thou shalt eat unleavened bread, and in the seventh day shall be a feast to the Lord.

EXOD. XIII, 3-6.

And this day shall be unto you for a memorial, and ye shall keep it a feast to the Lord; throughout your generations ye shall keep it a feast by an ordinance for ever. Seven days shall ye eat unleavened bread; howbeit the first day ye shall put away leaven out of your houses; for whosoever eateth leavened bread from the first day until the seventh day, that soul shall be cut off from Israel.

EXOD. XII, 14-15.

Seven days shall there be no leaven found in your houses; for whosoever eateth that which is leavened, that soul shall be cut off from the congregation of Israel, whether he be a sojourner, or one that is born in the land. Ye shall eat nothing leavened; in all your habitations shall ye eat unleavened bread.

EXOD. XII, 19-20.

Observe the month of Aviv, and keep the passover unto the Lord thy God; for in the month of Aviv the Lord thy God brought thee forth out of Egypt by night. And thou shalt sacrifice the passover-offering unto the Lord thy God, of the flock and the herd, in the place which the Lord shall choose to cause his name to dwell there. Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith, even the bread of affliction; for in haste didst thou come forth out of the land of Egypt; that thou mayest remember the day when thou camest forth out of the land of Egypt all the days of thy life. And there shall be no leaven seen with thee in all thy borders seven days.

DEUT. XVI, 1-4.

And they baked unleavened cakes of the dough which they brought forth out of Egypt, for it was not leavened; because they were thrust out of Egypt, and could not tarry, neither had they prepared for themselves any victual.

EXOD. XII, 39.

The whole event of the Deliverance of Israel from Egypt—a Divine manifestation which laid the foundation of Israel as a people—together with everything which stems from it and which it teaches—stands if you accept it, as indeed it was, as an action revealing God's work, an action brought into being, as it were, by another Divine imperative: 'Let there be,' in the history of mankind. The Deliverance from Egypt fails as a revelation of God if you regard it as just another historical event where, relying on your physical senses, you see only the human being or, at most, after lending yourself to a little thought, you grudgingly suspect the presence of God. If the first is the case, then you attest the existence and the dominion of God in the life of a people, and you, Israel, small in body but despite your smallness and your weakness, stand steadfast as God's own, summoned to an exalted, spiritually powerful, world-inspiring purpose—you are *Israel*. If, however, the second is the case, all is lost, and you, Israel, go you and mourn over your dream and your age-long misery. 197

Take to heart the first of the two alternatives, which, to the faithful descendants of Israel, is eternally true and eternally new. Do not deceive yourself that a new spirit invaded your fathers after their long slavery; that they arose of their own will and fought battles and unaided wrested freedom from their tyrants by their victory. Think well over this; it was God's word alone which burst open Israel's dungeon; and they who had been sunk in slavery and bereft of all power and personal freedom went out free, borne aloft by God's word. And so, throughout the progress of time, they belong to God collectively, as a nation, as do all men on earth individually. Therefore does Holy Writ say: Remember the day of your deliverance when *HaShem*, your God, with all His might—not you—brought you out of the house of bondage. Testify to this, for yourself and for others, by not enjoying in any way whatsoever any leaven in the days of your Festival of Deliverance, by not having any leaven in your possession and, indeed, by removing any leaven from your possession even before the Festival commences. 198

Unleavened was the bread which Israel's tyrants handed to Israel, their slaves. Thus, unleavened bread is of itself a memorial to that slavery and as such it already made its appearance in the hour of deliverance. When, at midday on the fourteenth day of Nisan, the time of deliverance approached, Israel were not to win their freedom by their own efforts—they were not even allowed to leave their houses; they had to prepare for their wanderings and await the call of Almighty God which would summon them to freedom. Rather had they to earn their freedom by complete surrender to God; and in order to give expression to this surrender by means of the Paschal-offering, they had to partake of the 199

offering with unleavened bread, the bread of affliction, and with bitter herbs, so that in the great hour of liberation it would be impressed deeply upon their minds that they had contributed nothing to their liberation, that in the very hour of liberation they were still slaves eating the bread of affliction until the word of God created anew the freedom which had been wrested from man. And when the great hour of freedom struck, Israel did not go; they had to be driven out by their tyrants upon whom the hand of God lay heavy, driven so that they did not even have time to prepare their bread and had to carry away the dough in its unleavened state and bake it unleavened. Thus did unleavened bread become an everlasting memorial throughout the generations to the redemption from Egypt brought about by God alone. For verily the people of Israel did not win their freedom by their own struggles; indeed, their exodus was so little dependent upon their own power and foresight that they neither could nor did prepare themselves with that most essential food, bread, for their awe-inspiring wanderings.

200 And so it is that every year, when the time reminding us of the Deliverance from Egypt recurs, every Jew and Jewess must not enjoy or possess anything leavened and must with his own hand remove all leaven from his belongings from the hour when the commemoration of the liberation begins—namely, midday on the fourteenth of Nisan, until the last day of the Festival—the culmination of the act of deliverance at the Red Sea. This declaration and acknowledgment of the epochal fact must remain for all time—namely, that our fathers contributed nothing towards their liberation and that we cannot ascribe the slightest portion of it to ourselves. On the contrary, we bear our freedom, and with it our whole vocation as Israelites, entirely by the grace of God. Therefore all of Israel's sons and daughters who eat chametz on Pesach express thereby their negation of the basis upon which the destiny of their people rests, and they fail to recognize that their very existence as a people is a creation of God and belongs to Him and so they must be subservient to Him—otherwise they will disappear from the 'Congregation of Jacob.'

201 We have to consider three items: (1) Prohibition of the enjoyment of chametz in any way; (2) Prohibition of its possession; (3) The duty to remove it from our possession.

(1) *Prohibition of the enjoyment of chametz*: Not only is the eating of chametz forbidden on Pesach, אסור באכילה, but so also is the enjoying of chametz, אסור בהנאה, i.e., there must be no intake of chametz into one's body by eating and drinking nor may one derive any use or advantage from chametz in any way, direct or indirect. Likewise,

The Prohibition Against and the Commandment to Remove Chametz

anything in which chametz is an ingredient is similarly forbidden. Study further details in O. Ch. 447. Utensils which have absorbed chametz may be used during Pesach only if they have been freed from that chametz. For the procedure to follow, see O. Ch. 451, 452. From mid-day on the fourteenth and onwards chametz is forbidden for use or enjoyment, *i.e.*, as from the seventh-twelfth part of that day. סייג (the preventive fence protecting the due fulfilment of a religious precept) prohibits eating and drinking of chametz from the beginning of the fifth-twelfth part of the day, but the enjoyment otherwise is prohibited as from the sixth-twelfth so that one may sell chametz until then (O. Ch. 443). Chametz which chances to be in the possession of a Jew during Pesach is אסור בהנאה and may not be used or enjoyed in any way after Pesach (O. Ch. 448).

(2) *Prohibition of the possession of chametz*: You are not allowed to have 20 anything leavened or containing a leavened ingredient, as, for instance, dough, in your possession during Pesach even if it is not actually in your house—*i.e.*, during Pesach, chametz must not be within your direct ownership or any indirect ownership for which you are responsible, nor may your relationship with chametz (during Pesach) be such as to give you a proprietary interest in its preservation; for instance, you may not have chametz which you took into your custody with a guarantee to pay compensation for it, and so on. Regarding procedure and conditions governing other people's property, see O. Ch. 440, 441. There are really five kinds of grain which change into chametz and become *assur* (prohibited during Pesach) if they become moistened: wheat, barley, spelt, oats and rye. No other produce becomes chametz. Yet later usage forbids various other products to be eaten to prevent confusion with the aforementioned, such as, for example, rice, leguminous plants, etc. This practice is generally followed in our regions too. You may, however, keep these commodities in your possession and even have them in your house (O. Ch. 453, 462, 465–7).

(3) *The duty to remove chametz*: The duty to have chametz removed 20 from your possession before the commencement of Pesach, in accordance with the Torah, may be fulfilled in two ways, either (i) to cause it to cease to be your property; this is effected by giving up ownership rights—*bittul*; or (ii) to cause it to cease to exist altogether, *i.e.*, to destroy it by fire or in some other way. For wise reasons, the combination of both methods is the rule, and so the procedure with regard to chametz is in three parts: (a) *Bedikah* (בדיקה). You must search for any chametz throughout the whole range of your possessions, wherever you may think chametz may be. (b) *Biur* (ביעור). You must destroy the chametz you have found. (c) *Bittul* (ביטול). You must annul ownership

of any and all chametz which you may not have found or destroyed. By midday on the fourteenth of Nisan, by the second half of the day, the limit is reached when chametz may be in your possession, as it is said: 'You may not slaughter any (Pesach) offering while there is still chametz about.' The Passover-offering was in fact slaughtered in the seventh-twelfth part of the day. This is the limit laid down by the Torah. By Rabbinical decree (סייג) the limit is set at one-twelfth of the day earlier—namely, at the sixth-twelfth of the day.

- 204 (a) *Bedikah*: At the beginning of the night of the fourteenth, every place within the range of your property into which chametz is usually brought must be searched thoroughly with a light. The chametz must be collected and kept carefully until the next morning. Such chametz as is retained for consumption in the evening and the morning should be kept in its usual place and guarded against being mislaid or spread about. On the day before *bedikah*, you must already have cleansed the rooms, etc., from chametz. *Bedikah* is to be done by the light of the single flame of a wax candle (O. Ch. 434-9).

(b) *Bittul*: Immediately after *bedikah*, proclaim: 'All chametz which may still be within the range of my property which I have not seen or destroyed is deemed by me to be non-existent and ownerless like the dust of the earth.' In the morning, before the sixth-twelfth period, after *biur*, you must repeat *bittul* over all your chametz seen or unseen, destroyed or not destroyed.

(c) *Biur*: Destruction of chametz is as a rule done by fire, and as a rule at the end of the fifth-twelfth part of the day. If the chametz is burnt after the sixth-twelfth part of the day, the charcoal to which the chametz has been reduced is prohibited for any use whatsoever (O. Ch. 445).

He who has neglected to perform *bedikah* on the evening of the fourteenth must make up for this as soon as he reminds himself of his neglect, even after the Passover Festival, so as not to have any enjoyment of chametz which remained Jewish property right throughout Passover (para. 200) (O. Ch. 435, 436).

If the fourteenth falls on Sabbath, *bedikah*, *bittul* and *biur* are performed on the thirteenth exactly as they would have been on the fourteenth. For the requirements of the Sabbath you may retain sufficient chametz for two meals (one for the evening and one for the morning) and what is left over after the morning meal should be given to a non-Jew so that he thus brings it outside the range of your (original owner's) property. All remaining traces of chametz must then be done away with and *bittul* proclaimed as usual (O. Ch. 444). *Bittul* holds good only before the time of *issur*, thereafter only *biur*. For the procedure to be followed if chametz is found during Pesach, see O. Ch. 446.

Everything else we must leave to the instructions laid down in O. Ch. 431-67.

When you ensure in this way that all leaven is completely removed from your person and from your environment, and that you have no enjoyment or use or ownership of it, and, indeed, you do away with it in and for yourself and all that surrounds you—do not carry out all this without pondering the significance of the Divine ordinance. As you get rid of every bit of chametz and keep yourself clear of it, so, too, dismiss from your mind all presumptuous thoughts and remember Israel's mission, as being the creation of God, chosen by Him, the Only One, snatched by Him from the bondage of Egypt—and that you did naught in this. He alone, then, is your God, and Him alone must you serve, and you must bear this destiny and this duty humbly and solemnly.

27

THE EATING OF MATZAH

מצות אכילת מצה

And ye shall observe the feast of unleavened bread; for in this self-same day I have brought your hosts out of the land of Egypt; therefore shall ye observe this day throughout your generations by an ordinance for ever. In the first month, on the fourteenth day of the month at even, ye shall eat unleavened bread, until the one and twentieth day of the month at even.

EXOD. XII, 17-18.

Through your observance of the prohibition of chametz you avow 205 that the Deliverance from Egypt, as well as the very existence of Israel as a nation, is entirely the work of God and that you harbour no egotistical or proud thoughts (chap. 28). If you become party to this aspect of Israel's existence, and do so gladly, if you sacrifice your whole self for the name of Israel, and do so gladly, you achieve complete surrender to God; and this indeed you show by partaking of matzah on the first night of the Festival of Passover (or, as is the practice with us, on the first two nights). When you eat the matzah, do so gladly as one who shares Israel's lot in all its changes, as one who shares Israel's duties, Israel's onward march, however varied, however hard, which God has destined for it. The happy moment arrives, happy yet solemn—you eat the *Afikoman* in silence—it is the consummation of the significance of your having partaken of matzah.

206 The duty of not eating any leaven lasts for the eight days of the Festival; the duty of eating matzah is restricted to the first two nights (O. Ch. 475). If you eat a piece of matzah the size of an olive, that would suffice for the purpose of fulfilling your duty (O. Ch. 475). The matzah with which you discharge your duty must be made only from those kinds of grain which can become leavened but which were prevented from becoming so by your treatment. They are: wheat, barley, spelt, oats and rye. One usually takes wheat. They have to be under special supervision throughout their preparation for matzoth, where possible from the time of harvesting or at least from the time of grinding (O. Ch. 453). Matzah should not be made from bran once it has been separated from the flour (O. Ch. 454). Kneading and all further treatment of the dough for matzoth must be done only by a Jew, and he must be doing this solely for the end-purpose of matzah. It must therefore not be done by a non-Jew, a minor or one who is of unsound mind; nor by a deaf-mute (O. Ch. 460). The dough should be prepared from flour and water alone; the matzah to be eaten at the Seder must not be deprived of the matzah flavour, and so it must be left uncooked. For sick people, however, matzah to be eaten at the Seder may be soaked in lukewarm water in case of need (O. Ch. 461). In order that one should gladly partake of matzah in the evening in full appreciation of its inner meaning and not in surfeit, the eating of matzah was prohibited on the fourteenth. Only cooked, pounded matzah may be eaten in the first half of the day; after this you must satisfy your hunger with other kinds of food. Children who do not yet appreciate the meaning of the Festival may eat matzoth on the fourteenth (O. Ch. 471). כזית, the size of an olive, is considered to be a little less than half an egg (O. Ch. 486). As a rule, this matzah is eaten at the Seder before midnight, the time limit, according to Rabbinical decree, for the eating of the Paschal-offering (O. Ch. 477). Concerning the preparation of matzoth, the prevention of their becoming leavened and everything else pertaining to matzoth, study O. Ch. 454-67, 471, 477, 482, 485, 486. After the partaking of the *Afikoman* nothing more is eaten (O. Ch. 477). Added to the eating of matzah is the eating of maror, which was once eaten with the Paschal-offering (para. 198), to remind us of the bitterness and cruelty inflicted upon us by the Egyptians (O. Ch. 473).

HAGGADAH

הגדה

And ye shall observe this thing for an ordinance to thee and to thy sons for ever. And it shall come to pass, when ye be come to the land which the Lord will give you, according as He hath promised, that ye shall keep this service. And it shall come to pass, when your children shall say unto you: What mean ye by this service? that ye shall say: It is the sacrifice of the Lord's passover, for that He passed over the houses of the children of Israel in Egypt, when He smote the Egyptians, and delivered our houses.

EXOD. XII, 24-27.

And Moses said unto the people: Remember this day, in which ye came out from Egypt, out of the house of bondage; for by strength of hand the Lord brought you out from this place; there shall no leavened bread be eaten.

Unleavened bread shall be eaten throughout the seven days; and there shall no leavened bread be seen with thee, neither shall there be leaven seen with thee, in all thy borders. And thou shalt tell thy son in that day, saying: It is because of that which the Lord did for me when I came forth out of Egypt.

EXOD. XIII, 3; 7-8.

And it shall be when thy son asketh thee in time to come, saying: What is this? that thou shalt say unto him: By strength of hand the Lord brought us out from Egypt, from the house of bondage.

EXOD. XIII, 14.

When thy son asketh thee in time to come, saying: 'What mean the testimonies, and the statutes, and the ordinances, which the Lord your God hath commanded you?' then thou shalt say unto thy son: 'We were Pharaoh's bondmen in Egypt; and the Lord brought us out of Egypt with a mighty hand. And the Lord showed signs and wonders, great and sore, upon Egypt, upon Pharaoh, and upon all his house, before our eyes. And He brought us out from thence, that He might bring us in, to give us the land which He swore unto our fathers. And the Lord commanded us to do all these statutes, to fear the Lord our God, for our good always, that He might preserve us alive, as it is at this day. And it shall be righteousness unto us, if we observe to do all this commandment before the Lord our God, as He hath commanded us.

DEUT. VI, 20-25.

Not only by symbolical *mitzvot*, like chametz and matzah, should you commemorate the great event of the liberation and acknowledge your very existence as its outcome. By word, too, by the living word, must you renew each year, upon the evening of the Passover Festival,

the memory of the epochal event. It revealed God and it laid the foundation of Israel as a people. Ponder well that event and expound by the living word its full meaning for you, and implant it in the hearts and minds of your family, especially your young children, as the basis of their knowledge of God and of their very existence.

208 At all times God demands of you—you, a father in Israel—that you imbue your offspring with the spirit of Israel when they are yet young. Your children are His gift to you; lead them at an early age to your God. Endow them with a Jewish heart in their infancy, a heart which is aglow with Jewish life and holds fast to Jewish destiny. ליל שמורים, the Seder night, is the time when you yourself celebrate your entrance upon the stage of history and the beginning of the mission of Israel—this is the night which God has appointed for the dedication of your little ones, those little ones upon whose consecration or defilement depends the eternity of your people, the continued preservation and flowering of all that came into being with יציאת מצרים, the Exodus from Egypt. When you share the unleavened bread with them and so link yourself with Israel's task of self-sacrifice, let not words fail to flow from your heart, words which will permeate you with the spirit of the noble function of a Jewish father. Teach the meaning of this unleavened bread, the spirit of this Festival, the significance of this great event, and from it the mission of Israel.

209 Note well that never, never was it the intention of our religious law that you should train your children to the Jewish way of life by means of mechanical usages and customs, or that you should transmit to your children life as something external without any inner spiritual meaning. Indeed, you will have fulfilled your duty only partly if God's command becomes for your children, as the Prophet says, just the 'customary command of men' (מצות אנשים מלומדה). Imbibe the spirit of our religious precepts and flood the minds of your children with it.

Note, too, how our Sages, as always, have understood this lesson of the Passover night in all its implications. To bring home this lesson they instituted the Seder, the family celebration of Passover in the home, and put the Haggadah into your hands which should serve you and prime you for the fulfilment of this duty.

210 The partaking of the Paschal-offering in Temple times and, in our own day, of the matzah during the celebration of the Seder in the family circle (the only link with the ancient Passover celebrations which has survived to this day) is the focal point around which the Haggadah, which appropriately begins with קידוש and כהא לחמא עניא, develops the connotation of the matzah in all its aspects, thus:

(1) The Festival is distinguished as the 'Festival of Freedom' (עֲבָדִים חֵינִי), symbolized by the matzah, as already explained in para. 205. This interpretation must be regarded dutifully by each one of us down to the youngest in the family.

(2) We must keep the memory of this event and all it means for us fresh and unfading for ever and ever (אֲפִילוּ . . .).

(3) The Exodus from Egypt remains the basis of our existence in days of happiness (הַיָּמִים) as well as in times of suffering (חֲלִילִיּוֹת).

(4) The consummation of our and mankind's salvation will take place in Messianic times (יְמוֹת הַמְּשִׁיחַ).

What was begun with יציאת מצרים can be implemented and completed only by implanting in our young, through education, the spirit of Passover (בְּרוּךְ הַמָּקוֹם). This must be done in a manner to suit the most varied of types (אַרְבַּעַת בְּנִיִּם):

(i) There is the type of person in whom there already exists a deep-rooted reverence of God (יִרְאַת ה'), our God (ה' אֱלֹהֵינוּ); a recognition of life's task which the word of God alone can reveal (עֲדוּת וְכֹר), a task which once begun must be handed down from father to son (אַתְּכֶם). In the case of such a person knowledge of the law is all that is necessary (חֹכֶם=וְאַף אַתָּה אֲמוּר לִי).

(ii) There is the type of person in whom this deep-rootedness is lacking absolutely and entirely and in whom there is no recognition whatsoever of the need for a life of duty and fulfilment (מֵה לָכֶם). In such a case trying to implant the true spirit is impossible, and education and instruction in the Torah fruitless=רֶשַׁע.

(iii) The law must not, however, be transmitted at any time to be fulfilled mechanically like some externally acquired habit. On the contrary, it must be handed down in such a way that it awakens a striving for knowledge (מֵה זֹאת)=תֵּם.

(iv) Where it is dormant, awaken it=שְׁאִינוּ יוֹדֵעַ לִשְׁאוֹל.

For the Exodus from Egypt, יציאת מצרים, spells not only physical redemption but the rescue of the spirit from aberration to the highest spiritual functions. For this purpose did Israel become the Chosen People; for this has it led a life of suffering throughout the ages from the days of our forefathers until we became the people of the Lord (מִתְחִלָּה, אֲרָמִי, וִירָד, וִירְעוּ, וְנִצַּעַק, וַיִּצְיָאוּ), until at last God manifested Himself in the Deliverance as the One, Absolute Lord of heaven and earth, of all beings and forces in heaven and upon the earth, of the development of the universe and of man (וְעִבְרָתִי, בִּיד חֻזְקָה). It is therefore the mission and the duty of Israel, Israel above all people, to bear and transmit the Divine will and to serve God—for it is all God's work (כִּמְה מַעֲלֹת). The service is no mere superficial formality; nor do you fulfil your religious obligation by just eating the symbolical Paschal-offering or matzoth and maror without

wittingly and deliberately and by spoken word evoking and manifesting all that they mean (רִבֵּן גַּמְלִיאֵל, פֶּסַח, מִצֵּה, מִרּוֹר). Partaking of these demonstrates your uniting yourself with the history of our people to whose task and destiny they bear witness (chap. 27) (בְּכָל דּוֹר וָדוֹר). Therefore let it be our task and our duty to praise the Lord Whose dominion is revealed by His deeds, and let us chant songs inspired and welling up from a knowledge of the revealed God, Hallelujah (הלל, הודו, נשמת, ישתבח) (see Section VI, para. 632), and the פְּיוּטִים relevant to the spirit of the day.

211 After the Exodus from Egypt has been celebrated in song as an act revealing the hand of God, הלל is interrupted by the eating of matzah and the Festival meal. (In former times it was by eating the Paschal and Festive-offering. These are now called to our mind by the זִרוּעַ only, and by the oval-shaped egg, which symbolizes on mournful occasions the ever rolling on and passing of things on earth and so is intended to comfort us in our sadness.) The maror (מִרּוֹר), which was really part of the Paschal-offering meal and signifies the bitterness of conditions in Egypt, has been retained for eating with matzah.

212 Whenever we declare, and stress by word of mouth, an important event in life appointed and ordained by God, our Sages have meaningfully instituted that we do so over a cup of wine. It is a symbol by which we express—in the act of drinking from the cup—the taking to heart of a Divinely ordained purpose (cf. para. 188). So here, too, when we ponder in all earnestness over יְצִיאַת מִצְרַיִם, the very foundation of Israel's history as God's Chosen People, our Sages instituted אַרְבַּע כּוֹסוֹת, four cups of wine, which are meant to express symbolically the four facets of the great Deliverance from Egypt:

(1) Release from oppression (הוֹצֵאָתִי).

(2) Liberation from slavery (הַצֵּלָתִי).

(3) Adoption of Israel by God when they were in a condition of helplessness (וְהָאֵלֹהִים).

And lastly (4) their selection for the lofty mission of God's Chosen People (וּלְקַחָתִי).

(1) and (3) refer to bodily and physical conditions; (2) and (4) to the spirit and things spiritual; (1) and (2) to the deliverance of Israel, and (3) and (4) denote consummate dedication. (1) and (2) betoken the removal of evils, (3) and (4) the granting of blessings. (1) and (2) indicate the freedom of the body and the spirit; (3) and (4) give the body and the spirit their allotted task. All these ideas are epitomized in two short verses of the Torah (Exod. xvi, 6 and 7). They comprehend completely what the Exodus from Egypt meant for Israel; and to understand fully and take to heart these four aspects of Israel's redemption, a cup of wine,

to be taken at the Seder, was instituted for each one of them. And so when you drink from the overflowing cup you must, as it were, imbibe to the full the significance of God's lovingkindness and providential guidance as shown in the history of your people.

In order to arouse the curiosity of the youngsters, various dishes such as 213 certain herbs, etc., were instituted. Charoseth was introduced only to remove the somewhat distasteful effects of the bitter herbs. Salt-water is what is usually taken with herbs.

The order (סדר) to follow in celebrating Passover in the home, therefore, is as follows:

(1) קידוש, followed by the partaking of herbs and the breaking of the matzah.

(2) הגדה and the first half of הלל offering praise for the Exodus from Egypt.

(3) Partaking of מצה and מרור, followed by the family festive meal, which is ended with the eating of the matzah forming the Afikoman (אפיקומן).

(4) הלל, followed by ברכת השיר and the פיוטים which are so appropriate to the significance of the Festival.

For these four purposes also, the four cups have been allotted. Everything with a symbolical meaning partaken of at the Pesach celebration, e.g., the four cups and the matzah, should be taken in a relaxed manner while one reclines to the left, as a sign of the freedom that was acquired. For further procedure at the Seder (סדר) see O. Ch. 472-86.

SEFIRAH

ספירה

And ye shall count unto you from the morrow after the day of rest, from the day that ye brought the sheaf of the waving; seven weeks shall there be complete; even unto the morrow after the seventh week shall ye number fifty days; and ye shall present a new meal-offering unto the Lord.

LEVIT. XXIII, 15-16.

Seven weeks shalt thou number unto thee; from the time the sickle is first put to the standing corn shalt thou begin to number seven weeks. And thou shalt keep the feast of weeks unto the Lord thy God after the measure of the freewill-offering of thy hand, which thou shalt give, according as the Lord thy God blesseth thee.

DEUT. XVI, 9-10.

- 214 Beginning with the first day after the Sabbath, you enumerate the days following the Sabbath thus: '1st, 2nd, 3rd day after the Sabbath,' and so on. In this way the sanctity which you acquired on the Sabbath finds its expression in your mode of life in the workaday week and, indeed, the Sabbath itself finds its consummation—it has become the source of spiritual dedication for the whole week (para. 196). So, too, on the day after the first day of the Passover Festival—namely, the 16th of Nisan, you begin to count the days as follows: '1st, 2nd, 3rd, etc., of the Omer'—in other words, as so many days after the Passover day (para. 303), always, however, denoting every period of seven days as a week. Thus, you treat Passover as you do the Sabbath (Passover really is for Israel what the Sabbath originally was for mankind¹) and you enumerate seven such weekly periods, linking them with Passover, as you do ordinary weekdays with the Sabbath; and on the day after the seventh such weekly link with Passover you celebrate Shavuoth. In this way you declare and firmly establish for all time that Passover finds its culmination in Shavuoth, that is to say, that freedom with all its inherent blessings (including the possession of the Holy Land) acquires worth, reality and meaning only through the principles of the Torah. For Israel was delivered from the bondage of Egypt only to serve the Torah, and when Moses was first enjoined to liberate Israel the spiritual purpose of Israel's freedom was declared: 'When thou hast brought forth the people out of Egypt, ye shall serve God upon the mountain' (Exod. iii, 12) (cf. para. 167). From paras. 301-4 one can easily understand how this counting is connected with the offering of the Omer.

¹ See Additional Note C., Vol. I, p. 273.

Begin to count with the eve of the second day, always, however, denoting every seven days as a week, until you count forty-nine days, that is, seven weeks; and on the fiftieth you celebrate Shavuoth. Days and weeks should be enumerated explicitly, *e.g.*, on the eighth day: 'This is the eighth day, making one week and one day of the Omer,' and so on. You count when night begins (see O. Ch. 489).

It happened once that between Passover and Shavuoth, a period which 215 is above all dedicated to the honouring of the Torah, nearly all those died who in that particular era were bearers of the Torah. They were all disciples of Rabbi Akiva, and they suffered because they did not show respect for one another (*Yevamoth*, 62b) or (according to *Bereshith Rabbah*, 61) because they were envious of one another; and so through disrespect to those who were bearers of the Torah they showed disrespect to, and lack of love for, the Torah itself. The time was barren of pillars of the Torah until Rabbi Akiva raised new disciples.

And a thousand years later, in these same days which are dedicated to the honouring of the Torah, Israel's sons and daughters, especially in the most beautiful regions of Germany, showed by their deeds that they well understood how to translate into reality the significance of this period of the Omer. Thousands of Israel's offspring demonstrated that life and all that was good in it was of no value if the price they had to pay was forfeiture of the Torah. They bled for the Torah under the blows of the undiscerning madness of the Crusaders (mainly in 1096–4856).¹

As a result of both these groups of events, this period continues to bear a tinge of general mourning to remind all in Israel, the bearers of the Torah, to be imbued with what is worthy and good, of which they are the bearers; to honour and to love everyone who lives for the same lofty mission; to rejoice in the number of their comrades and in their honour, regarding little their own esteem—to remind every son and daughter in Israel to transform the martyrs' death of their predecessors into new life and to carry forward loyally, as the highest good, that good for which their predecessors gave their lives.

This general mourning finds its expression in the prohibition against weddings during the period. Furthermore, one's outward appearance is disregarded to the extent of allowing one's beard to grow, as is the case with mourners (para. 316 and O. Ch. 493).

¹ These tragic events are known in Jewish history as *גזירות תתצ"ו*, the word *תתצ"ו* being composed of the figures for the year 856, *i.e.*, 4856, of the Jewish Calendar—which traces its years since the creation of the world—corresponding to the year 1096 of the Common Era.—*Ed. Note.*

30

SUKKAH

סוכה

And the Lord spoke unto Moses, saying: Speak unto the children of Israel, saying: On the fifteenth day of this seventh month is the feast of tabernacles for seven days unto the Lord.

And ye shall keep it a feast unto the Lord seven days in the year; it is a statute for ever in your generations; ye shall keep it in the seventh month. Ye shall dwell in booths seven days; all that are home-born in Israel shall dwell in booths; that your generations may know that I made the children of Israel to dwell in booths, when I brought them out of the land of Egypt: I am the Lord your God.

LEVIT. XXIII, 33-34; 41-43.

216 The Festival of Sukkoth is dedicated to the physical preservation of Israel by God. It is the time when the year's harvest is almost completed and your granary and house are full. No longer do you turn your eyes anxiously to heaven for a blessing, for you have already gathered in your blessing, and, relying upon what you have stored, you face the winter with equanimity.

On the other hand, the harvest of the year may have produced meagre results for you, and reflecting on your dearth and poverty you, as well as your wife and children, grow despondent and, overcome with despair, see a future engulfed in want.

Leave your sound and solid house; dwell under the sparse ceiling of foliage, and learn its lesson: *HaShem*, your God, caused your ancestors to dwell in booths for forty years, when He led them out of Egypt; and He sustained them in their booths and so revealed Himself as the Divine Providence Who sustains all.

217 If you are wealthy, you will become aware of this fact: it is neither riches nor property—and certainly not man's talents, of which he is so proud—that are gods who make his life more secure. It is God alone, God Who sustains even in booths those who surrender themselves to Him in complete faithfulness. Remember, then, to thank God alone for your wealth, your distinction, your treasures; for you possess these only so long as God wills it. Remember, too, that every acquired aptitude may change and that the ancestors of the rich grandchildren once lived in booths in a wilderness for forty years. So you will learn not to be a slave to your wealth and not to be led away from God. You will feel yourself safe under His protection, be you in a booth topped with

foliage or under a firm stone roof. Cling to these ideals; they will make it easier for you to free yourself from indolence and the treacherous ties of riches to follow Him even though the way lead through desert and desolation. In the end, if you establish your prosperous house not upon the foundations of wealth and comfort but upon God—for He watches your household even through its stone roof, and it is through His lovingkindness alone that you have not only obtained your possessions but are enabled to keep them—then will you learn amid your wealth and your opulence to put your trust in God alone, Who is sole Sustainer of all living.

And if you are poor, my fellow-Jew, if you are poor and in despair, 218
move, I pray you, into the foliage-topped booth! Depart from under your sheltering roof and of your own accord live the poorer life and learn the lesson: God sustained your forefathers in the wilderness in booths. That same God still lives and He is your God, and as the twinkling of the stars shines through the roof of foliage so does He with His watchful eye embrace you in lovingkindness, behold your suffering, behold your tears, hear your sighs and know your cares. He will not forsake you as He did not forsake your forefathers. Are you in despair because you do not possess those things upon which men build up their lives? Forsooth, did not your forefathers who were nourished upon manna learn in their booths that man cannot live his life by man-made means; his life is governed by every dictum of God? Will you not learn this lesson, as your forefathers did, as you make your way along life's stony path? Go into the sukkah! Learn to be strong and cheerful in suffering; have faith in God Who sustains even in booths and in the wilderness.

What is it that estranges us in life from God, makes us conceited or 219
bereaves us of hope, and amid all our cares for our well-being leaves no room for our true happiness? It is the madness with which we cling to worldly possessions and place them upon a pedestal as the gods of our life; it is the madness with which each one of us builds his Tower of Babel and we believe ourselves secure in our own sham shelters. From this madness may Sukkoth deliver us; from the idolization of possessions and of man's talents may our submission to the sukkah release us, and instead may it lead us to God as the only basis of our life; may it teach us to put our trust in God, to rely only upon God: *emunah* (אמונה).

But you must not move into the sukkah with thoughts for your own 220
destiny only, or for yourself only, or for the *emunah* embracing your own life, but as a son of Israel, conscious of the fate of your people, thus extending *emunah* to your people's destiny also. Oh, if only Israel, when

it still lived happily and united on God's soil, had entered the sukkah in the true spirit of the sukkah, never, never would 'its gods have become as numerous as its towns';¹ never would the voice of the Prophet have been heard: 'Back to the wilderness!' You, however, fellow-Israelites, who are once again dispersed throughout the wilderness, move into the sukkah and learn how God sustained your forefathers in their early wanderings in the wilderness. He is with you in your present wandering in the wilderness too. Look back upon your centuries of suffering, oppression, degradation and darkness—were the protecting clouds of the Almighty wanting? Did not the flaming fire lead the way? Did not your God sustain you, O poor son of Israel, bereft of all humanly devised protection? Was it not God Who sustained you? And now indeed, as if to test whether you, Israel, who had remained faithful in suffering, were strong enough to remain faithful in prosperity, has God breathed a spirit of humanity and kindness into princes and peoples so that they now willingly begin to loosen the fetters which they had drawn so tightly; they of themselves begin to heal the wounds which, in their mad moments, they themselves had inflicted.² And now, Israel, your younger generation descry in these acts of mercy their deliverance; and in this removal of their yoke their redemption, the triumph of their struggle, a struggle for the free upbuilding of self and the free consummation of their own mode of life; a recognition of the whole meaning of Israel's destiny. They behave as if Israel had been separated from other nations to march through history along a course peculiar to itself only in order to be submerged in the nations worshipping mammon. O youth of Israel, who are still imbued with the spirit of Israel, move into the sukkah, keep aloof from the madness of the moment! Must Israel, too, choose a man-made basis of life as its god of life? Cling fast to God, God Who bears you on eagle's wings through *this* time of trial also.

- 221 Yea, move into the sukkah as a citizen of the world, youth of Israel! When, in the future—the prophets and Sages of old gave us in their utterances a glimpse of what is to be—when, in the future, mankind will have learnt from their own experience the emptiness and unreality of their labours, begun with Babel and directed to basing their life upon earthly goods but without God, they will move into the sukkah.³ Then will a bond of brotherhood encircle mankind, and, united in brotherhood

¹ An allusion to יהודה כי נאמר עריך היו אלהיך יהודה (Jer. xi, 13).—Ed. Note.

² The author refers here to the emancipation of European Jewry which began in his days and to the inner reaction of Jewry to emancipation, especially with regard to its loyalty to its religious heritage in the new way of life among the nations.—Ed. Note.

³ Cf. Zechariah xiv, and the Commentary on this chapter by M. Hirsch in *Die Kleinen Propheten* (Frankfort, 1900), pp. 495–505; also in *Die Haphtoroth* (Frankfort, 1896), pp. 545–53.—Ed. Note.

under one God, they will be freed from the worship of the idol of mammon. Then will the One God receive them all in the Tabernacle of Peace as their Father; and as the One and Only *HaShem* will He alone be adored upon earth.

The sukkah¹ should therefore represent both a shelter bearing no trace 222 that it exists by the artificial design of man and a dwelling you have taken for yourself not haphazardly but for all time. These two concepts, (1) the absence of man-made design, the incidental character of the shelter itself and what follows from it (דירת עראי), and (2) your permanent and everlasting occupation of it (כעין תדורו), are the two fundamental principles which govern both the building of the sukkah and your duty to live in it.

(a) *Constructing the sukkah*: In every human abode two things stand out clearly: (i) the protection provided by a roof and (ii) the provision for using the shelter for one's private life, i.e., on the one hand space and on the other partitioning and privacy by means of walls. Therefore in roofing the sukkah (סכך) the absence of planning, a casualness, must be evident; while in its space and walls (שיעור ודפנות) the permanence of its use and its stability are made clear.

(1) *Roofing (סכך) the sukkah with casualness and with material in its natural condition*: The roofing must be taken, and manifestly taken, from plant life and must in no way bear the mark of human individuality—i.e., it must not be anything which has been pre-designed for use for some human purpose. It must not be anything which is receptive to טומאה within the meaning of the law (only those articles are receptive to טומאה which have been turned into objects for the use of the individual human being). And so, neither hides nor metals nor earth in its various forms, even if in the state of raw material (for these do not come from plant life), nor flax which has already been treated (because it is no longer recognizable as natural plant), nor fruits nor anything made from plants (for these are receptive to טומאה), nor anything firmly fixed or refixed in the ground (because it is, as it were, connected with and part of the earth and not detached from it [O. Ch. 629])—none of these may serve as material for roofing the sukkah. The roofing, furthermore, must not be more than twenty ells above the floor of the sukkah (O. Ch. 633). According to the Rabbis, planks may not be used for roofing. Neither may you spread out any blanketing under the roofing, even if it is within four handbreadths of the roofing, unless one can see that this was not intended as a ceiling. Bundles may not be used, neither may foliage be used if it smells badly or its leaves are dropping off. If you use for the roofing something comprised of what is permitted and what is not, the larger part at least must contain the

¹ The word sukkah here refers to the סכך, i.e., roof, natural shelter.—Ed. Note.

former (O. Ch. 629). The foliage forming the roof must be so dense that there are more covered than open places (more shade than light); however, it should, as a rule, be so loose that large stars can be seen through it. If it is so dense that rain cannot penetrate through it, it is invalid (O. Ch. 631). Foliage which can shrivel easily within the seven days is not regarded as providing a roofing—rather does it create a gap in the roofing (O. Ch. 629). Naturally, the סכך must extend as far as is required by the area of the sukkah—i.e., at least seven square טפחים. For the conditions under which that part of the סכך which may not validly be used for roofing affects or does not affect the rest of the סכך which may be so used, or how far it may or may not be considered for the purposes of the sukkah, and on the question of gaps it may form in the roof, etc., see O. Ch. 632.

(2) *Walls and room with an appearance of permanence*: This feature is indeed the underlying lesson of the religious function of the sukkah. It teaches you that you must not divest yourself of human acts or artifice by chance only and for the time being, as when you live in booths, but that, when needs must, you can dwell in the sukkah permanently—that, when deprived of the defences made by the hand of man, you can find protection in and through God. That is why the walls of the sukkah must be at least ten *tefachim* high (O. Ch. 633) and the length and breadth at least seven square *tefachim* (O. Ch. 634). The material for the walls may be of any kind but must have a durability of at least seven days. The sukkah must have four proper walls. Where this is not possible, see O. Ch. 630. They should be able to resist a normal wind (O. Ch. 630). The walls should be standing before the roof-covering is put on (cf. para. 283, and O. Ch. 635).

(3) *General*: A sukkah is valid even if not built for the purpose of a sukkah so long as it has been erected as a shelter (O. Ch. 635). However, if thirty days have elapsed since it was built, the roofing should be new or be renewed for the purpose of fulfilling the *mitzvah* of sukkah and should cover at least one square *tefach* or a little more than the whole length of the sukkah. Where the sukkah was covered for the special purpose of a sukkah, it is valid without having new or renewed roofing even if the sukkah is one year old (O. Ch. 636). Anyone who has failed to erect a sukkah before the Festival should erect it during the intermediate days, even on the last of such days (O. Ch. 637). At the actual time of laying the roof, the roofing material must be valid (cf. para. 283, and O. Ch. 626). The sukkah and everything pertaining to it, even if the latter is only for ornamental purposes, inasmuch as they are dedicated to the performance of a religious obligation, bear the attribute of holiness, and so not even the least of its adjuncts may be used for any other purpose during the whole Festival. Only if it is feared that damage may be caused to anything hung on the wall as an

ornament may it be taken down. After the Festival the foliage used for roofing should not receive mean treatment (O. Ch. 638).

(b) *The duty of living in the sukkah*: The underlying principle is its 222A permanence. The sukkah should not be a place where you spend occasional moments during the Festival of Sukkoth. It should be your permanent house and all your occupations not performed fortuitously should take place therein, as, for instance, eating, drinking, sleeping, entertaining, and if possible, studying. (For praying, choose the place which lends itself best for your devotions.) Let it be manifest that you spend your time in the sukkah readily and gladly; for it is not the zenith of faith merely not to fall into despair. The zenith of faith is achieved in a happy and elated mind, untroubled by suffering, bearing with life whatever it may hold in store for you. You should therefore adorn the sukkah with what is best, putting in it only what you would otherwise have in your living-room. Thus, so long as you abide in the sukkah, you are mindful of its real meaning; you cherish your faith and divest yourself of all that lowers human dignity and which brings into the Divinely sanctified human heart the worship of the power of possession. Thus, too, you stand at peace with the whole world, with God, with yourself, your world, your life. You rise to that pinnacle of life where everything merges in the one thought: 'God and your duty.' This is you, if the sukkah is not an outward ceremony for you, if its real purpose, which God Himself declared, is achieved: 'So that your generations may know that I caused the children of Israel to dwell in booths when I led them out of the land of Egypt'—*I, HaShem*—throughout all time—your God!

Casual partaking of food—*i.e.*, a piece of bread the size of an egg; or a cooked dish of the five kinds of grain; fruit, wine and water when not taken as part of a meal; all these may be consumed outside the sukkah. Bread larger than an egg, drinks and also dishes of the five kinds of grain if taken as a meal may be consumed only in the sukkah. However, he who is fully imbued with the significance of the sukkah will not drink even water outside it (O. Ch. 639). The duty of observing sukkah is not incumbent upon the ill or ailing, for whom staying in the sukkah becomes a hardship; nor if circumstances arise during the Festival which render staying in the sukkah quite unbearable, except that a כִּיֵּית (a morsel of food the size of an olive) should be eaten in the sukkah on the first two nights. A sukkah in which from the outset the conditions are unbearable for the spending of time there or for discharging any one of the functions of the sukkah which are obligatory is totally invalid for the purpose of the due observance of sukkah (O. Ch. 640). As soon as it rains heavily, or becomes very cold, or some other discomfort sets in, so that in similar circumstances you would

leave your room, the duty of spending your time in the sukkah does not apply. An interrupted meal continued in the house may be finished there even though the causes of the interruption have ceased. This is also the reason why in our cold regions sleeping away from the sukkah is permitted. Just as chametz is forbidden throughout the eight days of Pesach and the partaking of matzah is obligatory only on the first two nights, so also is eating a meal away from the sukkah forbidden throughout the eight days of the Festival and it is obligatory to eat in the sukkah on the first two nights only. For that reason, even if it rains, etc., at least a כזית of bread should be eaten in the sukkah and the significance of the day should be brought into one's home-life by means of the Kiddush (O. Ch. 639). Pain or suffering not caused or aggravated by staying in the sukkah does not release one from the obligation of the sukkah. One is in duty bound to observe the obligation of the sukkah only to the extent and so far as one would otherwise spend one's time in the house. Travellers who travel by day are released by day, and night-travellers by night from observing the obligation of the sukkah, and they are bound to observe that duty where they may be staying only if a sukkah is available (O. Ch. 640). He who takes his meals in the sukkah when the conditions exempt him from that duty not only does not fulfil a religious duty (*mitzvah*) but, on the contrary, he acts foolishly, because the circumstances which release him do so only because they nullify the whole idea underlying the *mitzvah*; and the sukkah, like every other *mitzvah*, has meaningful worth only in that it has been ordained by God (O. Ch. 639).

LULAV

לולב

Howbeit on the fifteenth day of the seventh month, when ye have gathered in the fruits of the land, ye shall keep the feast of the Lord seven days; on the first day shall be a solemn rest, and on the eighth day shall be a solemn rest. And ye shall take you on the first day the fruit of goodly trees, branches of palm-trees, and boughs of thick trees, and willows of the brook, and ye shall rejoice before the Lord your God seven days.

LEVIT. XXIII, 39-40.

According to the explanations of our Sages, the fruit of the tree described in the Hebrew text as the *hadar* tree is the ethrog (אתרוג), and of the *avoth* tree, the *hadass* (הדרס), the myrtle. And so on the first day of the Festival of Sukkoth you should get, that is to say, you should acquire as your personal property, an ethrog, a branch of a date-palm, myrtle and willow; and with these rejoice in the presence of *HaShem*, your God. The ethrog symbolizes sustenance and aroma; the lulav sustenance but not aroma; the myrtle aroma but not sustenance; and the willow negates both sustenance and aroma—it is just wood. These four indicate most clearly all that has been created by God for man; they show most clearly all that Nature has given to man for his benefit: (1) Things in Nature requiring no finishing touches by the hand of man, such as, for instance, the air you breathe, the light which shines for you; the beauty which makes you happy; the sweet-smelling scent which refreshes you, etc. Of these, the sweet-smelling scent is the most telling. (2) Things in Nature inherently of benefit to man, but out of which man has himself to extract that benefit, such as, for instance, all the means of sustenance—generally speaking, food. (3) Things which for their consummation depend entirely upon the hand of man, upon which man exercises his power as their master and from which he extracts all the usefulness that is in them by his skill, Nature supplying the raw material only—such as, for instance, his dwelling, clothing, utensils, etc., represented in general by wood. The first in this category is represented by the myrtle, the second by the palm-branch, the third by the willow, and the ethrog completes the first and second jointly.¹ Take these four as standing for all that God offers you as gifts of Nature; take

¹ Taken generally they result in the following pattern:

Willow = Receptiveness (Material).

Myrtle, Palm = Beauty, Goodness.

Ethrog = Consummation, Beauty and Goodness.

them as your very own before *HaShem*, your God; acknowledge and acclaim that it is God Who vouchsafes unto you all that is good in life. Cling to them only as the means of living in the presence of God according to His will; rejoice in them before your God as the means of fulfilling your duties.

- 223 If the observance of sukkah during the Festival of Sukkoth frees us from the bonds with which we tie ourselves to worldly possessions as the basis of our life and the anchor of our hopes, if it teaches us humility despite our material wealth and trust in God even without it, then the observance of lulav causes us to rise to things higher—*simchah* (שמחה), rejoicing before God in all that He has bestowed upon us.

The sukkah negates material possessions as ultimate value; the lulav links us again with our dependence upon our goods and chattels. The sukkah teaches us not to appraise too highly our worldly goods, the lulav to value them at their true worth. The sukkah raises us above our property to God alone; the lulav teaches us to be imbued with the spirit of God and even to exalt our possessions as God-given. The sukkah prevents us from becoming too earthly, the lulav reminds us not to soar too high above the earthly. The sukkah protects us from being debased by our wealth, the lulav teaches us to cherish our possessions and dedicate them to sacred purposes as the gift of God. The lesson of the sukkah is that the acquisition of goods is not the sole aim of life; the lulav teaches us to apprehend goods as instruments for our way of life before God; and so it brings us שמחה, joy in living before God, in a life of godliness. For if life is understood thus, it makes no difference whether you attain much or little; the assessment of your life lies in whether you have lived it dutifully with your much or your little. From this wells up the eternally joyful fountain of life sublime in the service of God, of שמחה before God, of that happiness which rejoices him who possesses much or little as the gift of God by which he can fulfil the will of God on earth—the happiness of living in the presence of God, your God; a happiness which is as eternal as life itself and as God Who is its Source.

- 224 The halachic considerations relating to these four species are mainly: (1) The signs by which the species specified in the Torah may be recognized; (2) That the plants representing our gifts from God are without blemish; (3) The indispensable requirement that a person should carry out any symbolical act ordained by God in as dignified a manner as possible.

(a) *Lulav*: The leaves of the palm-branch must not be too much separated from one another. The lulav is not valid in the following cases: if the greater portion of the leaves is hanging down; if, because

of their stiffness, they can no longer be tied together around their central stalk; if the leaves are torn open at the back in the greater part of their length; if the leaves are by nature single instead of double or if they grow on one side only; if the topmost leaf which runs along the stalk is torn open at the back right through to the stalk; or if it is split open to the length of one *tefach*, when another lulav is available; when the leaves do not lie upon one another or next to one another and the tip of one does not reach the bottom of another; if there are altogether only two leaves, even if they cover the whole central stalk; if most of the leaves or the greater part of the stalk appear dry and brittle to the touch; if the tips of most of the upper leaves are snapped off, or even only the top leaf of the stalk; if the stalk is split so that it can be parted into two; if the stalk has prickles; if it is withered; if it is twisted forward, to the right or to the left, but not if it tilts backwards; if the tip of the stalk is bent over. All these cases render the lulav invalid for all the seven days of the Festival, except when the lulav is split or when the back of the leaves is divided—the latter make the lulav invalid only for the first day (O. Ch. 645).

(b) *Myrtle*: The myrtle is invalid if the wooden tip is snapped off and another is available; if the leaves have dropped off and the three-leaved pairs no longer form the majority; where there are more red and black berries (green ones do not matter) than leaves and they have not been picked off; if the leaves are so withered that they crumble and are no longer green but white and there is not at least one fresh green leaf left at the tip; if the wooden tip is withered. The myrtle should if possible be entirely of three-leaved pairs of leaves which grow out of one point as a trefoil—at least the greater part of the branch should be like this. If this is not possible, one should use two-leaved branches. If this, too, is not available, one may take three-leaved branches in which one of the leaves does not grow out from the same spot as the others, but above them. If in a two-leaved branch one leaf is torn off beyond the *hadass*-required extent, it is invalid (O. Ch. 646).

(c) *The Willow*: The characteristics of the willow are: long leaves, the edge of the leaf smooth or finely serrated and the stem red or becoming red later. Where these characteristics exist, it may be regarded as willow even though it is not found by the water. If it is withered or if most of the leaves have dropped off, or been ripped, torn or split, or if the wooden tip has snapped off, it is invalid (O. Ch. 647).

(d) *Ethrog*: An ethrog is invalid in all the following cases: if it is so dry that a thread drawn through it does not become damp; if the thick peel is perforated right through from one side to the other or even if only to the core, although nothing may be missing in the required size of the ethrog, unless no other ethrog is available; if some part of the ethrog is missing, however small, unless no other ethrog is available;

a hole the size of an *issar*,¹ even if it does not go right through—in all cases where the hole goes right through; if it has become rotten inside even if the core is still there, if another is available; if split above at the tip; if the outer thin skin is completely peeled off up to the size of a *sela*,² although it may appear undamaged, unless no other ethrog is available; and in all cases where the peel is entirely off; where the extension of the point bearing the rest of the blossom (פֶּטוֹם) has come off, except if it is missing naturally; if the stem is broken off, unless no other ethrog is available; if there are blisters in two or three places when another ethrog is available, or if they are clustered together over half the ethrog, or in all cases where even the smallest blister appears at the tip; if the slightest blister or strangely coloured spot appears from the tip to the extension of the tip, except such usual spots which look like blisters but do not stand out in relief and which frequently occur, provided the blister cannot be removed without damaging the rest of the ethrog; if swollen, rotten, preserved, cooked, mildewed; if there are spots, black or white, together in one place covering over a half; or only a few but in two or three places; if the ethrog is spherical in shape; if the shape has been changed by human skill; if it is as green as grass without any spot whatsoever that has become yellow; if the ethrog is smaller than an egg (O. Ch. 648).

(e) *General*: If there are absolutely no others available you may use the invalid ones that are available but without reciting a blessing (ברכה) (O. Ch. 649). It is intrinsic in the *mitzvah* and fundamental that the four components of the lulav become invalid if borrowed, as they must constitute entirely a dedication of what is your own property (O. Ch. 649). The required length of the myrtle and the willow is twelve thumb-widths, and of the lulav-stalk sixteen; the minimum sizes are at least ten and thirteen and one-third thumb-widths respectively. There is no limit to the length but the stalk of the lulav should always protrude at least three and one-third thumb-breadths over the other four species (O. Ch. 650). One should take one lulav, two willow branches, three myrtle twigs, and bind them tightly together, usually with lulav leaves. The myrtle should be higher than the willow. There are usually three rings on the lulav for the purpose of binding together (O. Ch. 651). The four species combine together to form and fulfil one religious idea, and if one of them is missing, so is the realization of the idea. In order that, in spite of all circumstances, the remembrance of the *mitzvah* should never fade, one should make use of those available but without reciting a blessing; however, no other species may be used in place of the valid ones which are not available, nor may anything be added to the four species (O. Ch. 651).

¹ An ancient Hebrew coin (cf. the Roman *assarius*=*as*, i.e., 1/24 of a *denar*).—Ed. Note.

² An ancient Hebrew coin, equal to two common shekels.—Ed. Note.

In order to fulfil the religious obligation of lulav, one should take the lulav with everything attached to it in one's right hand, as one does with one's own property, and the ethrog in the left hand, all tops pointing upwards. In order to express symbolically that we recognize these products as God-given, as indeed everything in the universe is God's, and these four species but represent symbolically all that God has created for man everywhere, one turns the lulav to the east, the south, the west, the north, upwards, downwards, declaring thereby that everything, everything which is granted to us by the blessing of God everywhere and at all times, is a means vouchsafed to us by Him for dedicating ourselves in gladness to fulfilling His will (O. Ch. 651). Only the time one devotes to one's active working life—namely, the day-time, is fitting for the devotion of all that one has to the service of God. And so one performs the *mitzvah* of lulav only by day and not by night. The time for the performance of the *mitzvah* of lulav starts at sunrise; lulav is taken specially into one's hand during the Hallel Hymn, which sings of God revealed in history and in the foundation of Israel; for in the lulav is manifested the basis of Israel's task—namely, that its fulfilment alone must be our inspiration, through everything that God has granted us (O. Ch. 651). In the same sense, one makes a circuit with the lulav round the *bimah* specially erected for the Reading of the Law, after the Scrolls of the Law have been placed there, as was formerly done at the altar in the Temple. To make a circuit round an object expresses the choice of that object as the central point of one's labours; and to go round the Torah with the lulav represents nothing but our labours for the fulfilment of the Torah with all the means with which God has endowed us and to keep within the circle prescribed by it.

Israel's lamp of life began to dim not as a result of an underestimation of their material wealth but rather as the result of their overrating this and of their consequent overweening pride in their possessions and faith in the work of man. And, therefore, Israel's guardians, the prophets, instituted the beating of the willow-twigs on the last day, when a circuit is made seven times round the altar—or the Torah—denoting thereby Israel's compelling need—namely, to keep aloof from self-seeking pride and the glorification of man's strength. The willow reminds us of those realms in which the mastery of man's spirit over things material manifests itself most, those things which first and foremost nourish pride. Thus are the spirit and significance of the sukkah transferred to the lulav (O. Ch. 664).

According to the ordinance of the Torah, the obligation of the lulav applies to the first day only (with us the first two days), as in the case of matzah; and only in the Temple (where, above all, as the Festival-offerings show, the inner meaning of the Festival was manifested anew

with every day of Sukkoth) was it instituted for all the seven days. Since the destruction of the Temple, the duty of observing the *mitzvah* of the lulav has been generally instituted for all the seven days in remembrance of the Temple usage (O. Ch. 658). For this reason, much that renders the lulav invalid for the first day is not invalidating on the other days; for instance, a borrowed or perforated ethrog; in everything else, however, there is no difference (O. Ch. 649). On the Sabbath, even if it is the first day of the Festival, the lulav must not be taken (O. Ch. 658).

32

THE SHOFAR

שופר

Speak unto the children of Israel, saying: In the seventh month, in the first day of the month, shall be a solemn rest unto you, a memorial proclaimed with the blast of horns, a holy convocation.

LEVIT. XXIII, 24.

And in the seventh month, on the first day of the month, ye shall have a holy convocation: ye shall do no manner of servile work; it is a day of blowing the horn unto you.

NUM. XXIX, I.

226 In the seventh month, on the first day of the month, the day upon which our preparation for Yom Kippur begins (para. 160), the day which calls us from our continuous worldly outlook and our labours for the future back to introspection and to God—on that day, in order that we may examine in His presence our past life and recall all that we have built so as to test its contents, and that as a result of this introspection and self-examination we may rise to a cleaner life—on that day, Rosh Hashanah, sound the *teru'ah* (תרועה), ponder it well.

227 As our Sages have indicated to us, we know from Numbers, chapter x, that this תרועה is composed of תקיעה, תרועה and תקיעה—of a plain, a broken, and a plain note—and from the same source we know, too, the meaning of these sounds. In order to gather many people together in one place only one plain note was sounded=תקיעה. To disband the camp תקיעה, תרועה, תקיעה, a plain, a broken and a plain note were sounded. Thus the plain note calls different elements into one direction,

while the broken one causes an upheaval, a violent shaking, a movement. Thus the note ordering the breaking up of the camp summoned: (1) minds spread over various occupations towards one single thought, by means of the single note; (2) the cessation and 'breaking-up' of this preoccupation, by means of the broken note; and (3) a further advance in a definite direction by means of the final plain note.

After having had its effect upon the mind, the plain note brings all the various tendencies of the mind converging upon one point. The broken note penetrates, shatters, moves, softens from this one point. The final plain tone reassembles and redirects the disintegrated mind along one straight path.

These ideas when applied to Rosh Hashanah, where *teru'ah* also is composed of תְּקִיעָה, תְּרוּעָה and תְּקִיעָה, convey the following lesson: *Teki'ah* 228 calls you from your continuous living in an outer world and from the dissipation of your powers and energies to introspection and to turning upwards to God. And so it brings you through your innermost self to God. *Teru'ah* bids you let this newly gained conception of God permeate the whole of your present inner and outer life, your erstwhile thoughts, feelings, words, deeds and pleasures; the good things you enjoy in your inner and outer life today. Immerse your complete self in this rock-shattering 'God-concept.' Test your thoughts and deeds to see whether each and every one comes up to standard. *Teru'ah* makes you quiver, it softens you, it subdues you before God. *Teki'ah*, however, puts strength into you, gives you courage and lifts you out of this state of languidness, out of this disintegration of things past to a life before God which ever after will be unified, straight, strong.

In consonance, therefore, with our spiritual thoughts and deeds called 229 into being at Rosh Hashanah, the initial תְּקִיעָה signifies introspection and a rising above ourselves; the תְּרוּעָה a purification of ourselves; and the final תְּקִיעָה a determination to follow a more righteous future. Thus they correspond to תְּשׁוּבָה, תְּפִלָּה and צְדָקָה, which our Sages declare are the rich harvest of the Rosh Hashanah day.

It is by the characteristics peculiar to the tones which evoke in you spiritual thinking and acting before God, or rather it is by the special characteristics by which God evokes in you spiritual thinking and acting that you are summoned before your Master by תְּקִיעָה, appearing before Him as your Ruler and the Ruler of the whole world; that you receive a call to self-purification by תְּרוּעָה, to sit in judgment upon yourself before God, the Judge. (For it would indeed be meaningless to submit yourself to trial before God—under the God-idea—unless in actual fact God were not only God of the heavens above but also of the earth beneath; if not only did God's eye encompass the whole universe

but He let His eye rest also upon each and every one of the inhabitants of the world, testing them and judging them. By your very sitting in judgment upon yourself you declare God to be your Judge. Verily, is it not God Who, indeed, sits in judgment upon you through the voice which you hear in your inner self, or rather through the voice which represents your better self?) The final תְּקִיעָה reassembles your exhausted spirit and, as it were, leads you back to a unified, straight and upright life; it is God Who calls upon you to follow Him along the path He has set for you; He unshackles you from the bonds of the past and strengthens you and raises you up and wishes to guide you; He is your Father and Teacher. These three aspects of the shofar-tones are but as follows: תְּקִיעָה represents מַלְכוּת; זְכוּרוֹת – תְּרוּעָה; and שׁוֹפְרוֹת – תְּקִיעָה (see Section VI, para. 656, מוֹסָף of ראש השנה). Thus תְּקִיעָה becomes the summons of the Master, תְּרוּעָה the summons of the Judge, and the final תְּקִיעָה the summons of the Father. Combined they are: (1) Summons of the Master to a looking inwards and a rising above ourselves; (2) Summons of the Judge to self-examination; (3) Summons of the Father to a renewal of one's life.

- 230 The entire duty which devolves upon you at Rosh Hashanah is to acknowledge anew in your heart that God is your Master, your Judge, and your Teacher, Who, like a father, rears you and teaches you His law, even though you may have forgotten Him in your life. As Holy Writ tells us: שָׁפְטָנוּ ה' מַחֲקֵנוּ ה' מַלְכוֹ הוּא יוֹשִׁיעֵנוּ 'For the Lord is our Judge, the Lord is our Lawgiver, the Lord is our King; He will save us' (Isa. xxxiii, 22). And therefore each one of these three ideas must penetrate into your very soul in all their meaning and with full understanding. Give full thought to these ideas: (1) God Who is *Master* of all calls you as your Master to test whether you have lived as His servant, and to actuate you to live as His servant henceforth: תְּקִיעָה, תְּקִיעָה, תְּרוּעָה, in the sense of מַלְכוּת. (2) God Who is the *Judge* of all is also your Master, and as such He calls you to test whether you have lived under His watchful eye, as it were, and to induce you to live as under His eye henceforth: תְּקִיעָה, תְּרוּעָה, תְּקִיעָה, in the sense of זְכוּרוֹת. (3) God Who is the *Teacher* of all is also your Master and as such He calls you to test whether you have lived in accordance with His Torah and have led your life in the measure of His teaching; and to lead you in order that you will follow Him from now on in the way in which His Torah and His providence want to direct you: תְּקִיעָה, תְּרוּעָה, תְּקִיעָה in the sense of שׁוֹפְרוֹת. Thus you have תִּרְ"ת for מַלְכוּת, תִּרְ"ת for זְכוּרוֹת, and תִּרְ"ת for שׁוֹפְרוֹת; and the pattern of the *teru'ah* is as follows:

¹ תִּרְ"ת is the traditional abbreviation for תְּקִיעָה תְּרוּעָה תְּקִיעָה, in which the 'ר' stands for the second letter of תְּרוּעָה.—*Ed. Note.*

	3. שופרות צדקה	2. זכרונות תפלה	I. מלכיות תשובה
God is King:	תקיעה	תרועה	תקיעה
God is Judge:	תקיעה	תרועה	תקיעה
God is Father:	תקיעה	תרועה	תקיעה
	Call of the Father to a renewed life of courage.	Call of the Judge to self- examination.	Call of the Master to a looking inwards and to a rising above ourselves.
	שופרות ה' מחוקקנו	זכרונות ה' שופטנו	מלכיות ה' מלכנו
	God is our Father.	God is our Judge.	God is our King.

The inner frame of mind induced by the grievous wasting of one's life 231
can, however, arise from two causes: the consciousness for the time
being of one's unworthiness and of one's powerlessness to rid oneself
of it, or the contemplation of one's past unworthy life which cannot be
recalled. The expression of the first corresponds to one's outcry of
physical pain at the first moment of one's experience of it, that of the
second corresponds to one's expression of pain in the case of a con-
tinuous, persisting hurt or to some sad event which is lamented. The
first is groaning, the second whimpering. Out of this arose different
forms of the broken tone of the תרועה—namely, שברים corresponding
to the groaning, and תרועה corresponding to the whimpering. Later,
as a sort of compromise, they were combined so that three arrange-
ments were prescribed. In the first arrangement, שברים and תרועה are
combined, with שברים first in the natural order. In the second arrange-
ment, שברים alone is sounded, and in the third תרועה alone. The
pattern now is:

תקיעה	תרועה	שברים	תקיעה
תקיעה	תרועה	שברים	תקיעה
תקיעה	תרועה	שברים	תקיעה
תקיעה	שברים	תקיעה	
תקיעה	שברים	תקיעה	
תקיעה	שברים	תקיעה	
תקיעה	תרועה	תקיעה	
תקיעה	תרועה	תקיעה	
תקיעה	תרועה	תקיעה	

232 For summoning the congregation as described in Numbers, chapter x, הצוצרות (clarions of silver) made by the skilled hand of man were sounded. They were used only for the purpose of outward order in the camp. For the shofar of Rosh Hashanah, however, whose purpose it is to rouse the purely Divine in man, no artificially constructed piece of work may be sounded. It must be an instrument in its natural form (שופר, *i.e.*, naturally hollow), with life given to it by the breath of man, speaking to the spirit of man. For you cannot attain to God by artificial means or by artifice. And no sound which charms the senses, but which does not appeal to man's better self, can raise you to God—indeed, you might surrender yourself again to your low, base way of living. The pure, unaffected sound of the natural shofar should stir your heart and mind and attune them to the significance and call of its tones.

All naturally hollow horns of clean animals are valid for the shofar of Rosh Hashanah except the horn of the bull, which is linked with the memory, sad for our nation, of the sin of the Golden Calf and which in fact is not called שופר. One should take, if possible, the bent horn of a ram—bent, in conformity with the contrite mood of the day evoked by the *teru'ah*; of a ram, because it preserves the noble memory of Abraham's sacrifice, the prototype in history of the subservience of self to God (see Section VI, para. 624) (O. Ch. 586). The pitch of the tone does not matter. A perforated horn is valid, if another is not available. If it has been stopped up with raw material and the larger part remains undamaged and, after the repair, the tone of the shofar is restored, it is valid. Cracks along the length may be fused together again by fire. If one side is split through, the shofar is quite useless. If it is split across the breadth more than half-way and there are not four thumb-widths from the split to the mouthpiece, the shofar is invalid (O. Ch. 586).

233 One must blow directly into the shofar (O. Ch. 586). The shofar may be blown at any time from sunrise and, in case of necessity, from day-break. If Rosh Hashanah falls on a Sabbath, the blowing of the shofar does not take place, but the lesson of the *teru'ah*-concept in מלכיות, זכרונות and שופרות remains (O. Ch. 528). Listening to and taking to heart the message of the tones are, of course, the essence of the *mitzvah*. The blowing of the shofar should be done with the view to fulfilling the *mitzvah*, and both the one who blows the shofar and the one who listens must have the intention, the one to assist every listener to fulfil his obligation, the other to fulfil his (O. Ch. 589). The sound of the תקיעה and the תרועה are of the same length. תרועה=nine of the smallest staccato notes; שברים=three longer ones; תקיעה=a gradually rising sound of the duration of nine small staccato notes. They are sounded in

the order תשר"ת for the length of eighteen staccato notes.¹ The shofar is blown in the above-mentioned order after קריאת התורה, before מוסף. When the Cantor repeats the Musaf and comes to the conclusion of each one of the three sets of ברכות—namely, מלכיות, זכרונות and שופרות, he must blow the shofar each time, sounding one set of notes, either תשר"ת each time or the first time תשר"ת, the second time תש"ת, and the third time תר"ת. It would be most appropriate (paras. 230, 231) to sound each time תשר"ת, תש"ת and תר"ת (O. Ch. 592). All further details are explained in O. Ch. 585–96.

33

FAST DAYS

תעניות

A. FAST DAYS ORDAINED

Just as the Torah preserves those moments when Israel flourished, and 234
raises as holy above other days in the year those festival days commemorating the creation of the people and its preservation so that Israel should devote itself to the remembrance and the study of the truths they posit, whereby Israel may live and learn to understand itself and dedicate itself to the fulfilment of its allotted tasks, so did our Sages institute remembrance days for those moments which Israel experienced when its blossoms were seen to fall, remembrance days which summon Israel to the purification as well as to the sanctification of its life and to the proper fulfilment of its conduct of life. For the fathers of our people understood profoundly that the fall of the people was not the pathway to the grave. It but changed the scene for Israel's activity, summoning it to new obligations or, rather, to another aspect of that same fulfilment of its way of living which was its 'vocation' in times of prosperity. They saw that as in happy days Israel received the call to revere God humbly and to love Him with gladness, so did Israel receive the call to be the lofty example, steadfastly to keep its faith in God as well as its filial piety even in the days of misfortune. They saw that the time of its dispersion, whose labour-pangs it experienced, was but a fatherly chastisement to teach Israel, to strip it of pleasure-seeking and self-seeking, both of which undermine Israel's fortune. They saw that this period had

¹ In the order תשר"ת תקיעה שברים-תרועה תקיעה. The sound of the *teki'ah* must be of the same length as that of *shevarim* and *teru'ah* taken together.—Ed. Note.

as its immediate aim a betterment and a renewal of life, with the ultimate goal of furthering the advancement of all mankind. They realized how necessary for that upbringing, which was to act as a guide, were warnings and correctings and challenge; and, imbued with the spirit of the Torah, they recognized an excellent means in their subjective retrospect of the past. For in truth, no period lives for itself alone. Generations rise and fall so that those who follow may well learn from the glow of their sunrise as well as from that of their sunset; that they may reap the fruits of the rise and the fall of those who went before, avoid their errors and go forward and upward, basing their edifice upon the virtues of their progenitors. And just as our grandchildren should learn from our times to strive upwards, so must we from the deeds of our fathers, especially from those moments in their lives which were decisive for the whole of the future. So it is in the life of all nations. Indeed, it is only in its later years that the world generally recognizes the lesson of its earlier years. Praise be to Israel, for whom God's word illumines everything in the present and teaches him to understand every moment in time, what it means now and what significance it bears for the coming generations. Thus were the fathers enlightened; and in passing from this life they raised their death as a memorial-stone to their times so that their grandchildren might thereby learn to live and to rise.

- 235 There are five such commemorations. Four of these were already mentioned by Zechariah (viii, 19)—namely, the seventeenth of Tammuz, the ninth of Av, the third of Tishri and the tenth of Teveth. There is also the Fast of Esther (תענית אסתר), which owes its institution to tradition. Three of them are memorials warning and admonishing us about the fall of Israel, and two are reminders warning us of the sins which brought about the Exile. The tenth of Teveth (עשרה בטבת), the seventeenth of Tammuz (שבעה עשר בתמוז) and the ninth of Av (תשעה באב) are memorials warning and admonishing us about the destruction (of the Temple), and the third of Tishri (צום גדליה) and the Fast of Esther (תענית אסתר) are reminders warning us of the sins which led to the Exile.

236 I. COMMEMORATIONS OF THE DESTRUCTION (OF THE TEMPLE) WHICH WARN AND ADMONISH US:

תשעה באב and שבעה עשר בתמוז, עשרה בטבת

Historical details: On the tenth of Teveth the siege of Jerusalem by Nebuchadnezzar began. One and a half years later, on the ninth of Tammuz, the town was captured and finally, through hunger, it was conquered; similarly, later, in the period of the Second Temple, by Titus on the seventeenth of Tammuz. On the ninth and tenth of Av the

First Temple was burnt to ashes by Nebuzaradon and the Second one by Titus. Thus *עשרה בטבת* is the beginning of the destruction, *שבעה עשר בתמוז* the fall of Jerusalem, and *תשעה באב* the fall of Zion.

The cause: Israel's sins. The destruction of the First Temple was brought about by idolatry, immorality and murder, *ע"ז, ג"ע, ש"ד*—the zenith of sinning against God, against oneself and against one's neighbour, of which, as our Sages tell us, the middle one—namely, sensuality, was predominant. The fall of the Second Temple was due to the causeless hatred of man for man (*שנאת חנם*)—namely, self-seeking. Both of these are fostered only by scorning God, the Only Lord and Father, and by assuming as one's own that which is only lent, that is, by making an idol of property and therefore also of that which is created, and by the worship of self.

THE PURPOSE OF THE DESTRUCTION AND THE EXILE:

(1) *The immediate purpose:* Destruction of the worship of property and self; and so the curbing of pleasure-seeking and self-seeking, and the raising of Israel to the adoration of God alone. Their possessions which became the very gods of their life disappeared, their independence was destroyed; Israel was driven into its great wandering through the wilderness of Time and of peoples, possessing naught, its independence gone. To one blessed possession they clung throughout their wanderings, the Torah, and to one source of strength, God—welded together by a chain of suffering—and through this and, in fact, because of this they survived every storm and every misfortune which threatened to overwhelm them and which, indeed, laid low neighbouring, mighty, rich and proud nations. All this, then, led Israel to one thought, one idea: to regard the Torah as the one precious possession in life; the One God as the Only God in their life; to see the one mission in life to be obedience to God by fulfilling His Torah; and to love one another as the children of One God, as parties to the same covenant, borne by the same fate, as brothers.

(2) *A further purpose:* When all around them multitudes of people sought to base their lives upon everything but God, making idols of the material things in life and glorifying riches, power, prosperity, the arts, science, and the enjoyment of all these as well as the acquisition of these as the goal and measure of the happiness and the endeavours of the individual and the nation—when they set God outside the life of the individual and the nation and tried to establish their own selves as the gods of their life and so lost all sense of the single mission of mankind—namely, to be the first to serve God in the great ring of those who serve Him—it was just because of all this that Israel, singly and together, scattered among all the nations, was, by its mission and by its way of

life, to carry aloft the truth that God alone is the God of life; that His will alone is the rule of life; that every good is but a means to such life. And when the knowledge of God and righteousness and morality are lost everywhere, then must Israel become by its own example the beacon for the avowal of God, the testimony to the providence of God, the witness to the dignity of man and the exalted task of man. And so, but in different ways, is Israel to fulfil its own mission in suffering perhaps as effectively as was its mission in good fortune—to be a holy people and a kingdom of priests, bearer of the Divine scheme, and God's instrument.

Warning: Beware of the results of these sins of the fathers.

Admonition: To bring into effect the purpose of the *Galuth*, understood in its true objective within our own lifetime, and to help to bring it to realization within the lifetime of our brothers.

237 2. THE SINS OF THE EXILE צוֹם גְּדַלְיָה and תְּעִנִּית אֶסְתֵּר AS DAYS OF REMEMBRANCE AND ADMONITION:

(1) צוֹם גְּדַלְיָה. *The Event:* The city had been captured; the Temple had been destroyed; the core of the people had been led to Babylon; the wrath of the conqueror had abated, he was displaying a gentler attitude towards 'the remnant of Israel' and he now allowed them to remain in the land and appointed, from their own midst, Gedaliah, son of Achikam, as their leader. Gedaliah understood well the task of Israel in their relationship to the nations into whose hands God had given them—to be naught but willingly obedient, showing by this attitude surrender to God and acknowledgment of the power which God used in chastisement—to yield readily to the Divine scheme which God had brought to fruition by means of the *Galuth*—to be good, loyal and useful subjects and compatriots of king and country and to leave it to God to incline the heart of princes and peoples to lovingkindness so that they might be mindful that suffering man was their conquest, and might learn to heal the wounds which they themselves had inflicted. This was the meaning of Jeremiah's pronouncement of God's will to the exiles of Babylon: . . . וּדְרָשׁוּ אֶת שְׁלוֹם הָעִיר. 'And seek the peace of the city whither I have caused you to be carried away captive, and pray unto the Lord for it; for in the peace thereof shall ye have peace' (Jer. xxix, 7). This surrender by Zedekiah to the Divine scheme, even during the siege, was demanded as the toll for the preservation of the city and the Temple and for their own survival. For this reason Gedaliah, as a Babylonian official, adjured them that they should always serve the Chaldean State loyally, 'and it shall be well with thee.' But 'the remnant of the people' that stayed behind could not rise to this willing, ready yielding to the Divine scheme. Ishmael, son of Nethaniah, cursed be his memory, arose

and, spurred on by jealousy and foreign influence, ignoring the will of his overlord, the King of Babylon, and in defiance of him, treacherously killed Gedaliah and all the Jews and Chaldeans that were around him. And yet those who remained, although not of such a wicked disposition, still shared a deep-rooted tendency not to submit to God's guidance, and, although robbed of all outer independence, wanted to establish their affairs upon a basis of human independence. This became manifest again in the opposition, in which all concurred, to God's command, declared to them by the mouth of Jeremiah, to wait for the clemency of Nebuchadnezzar, even then, despite their deep sinfulness, and to remain in the land and be obedient, submissive subjects. The downfall of all of them because of the path they chose in their own wilfulness was the result of their folly which would recognize as God's will only that which coincided with their own immediate wishes (Jer. xxxviii-xliv).

The Admonition: So against what does Tzom Gedaliah warn us? (i) It warns us against the folly that in the *Galuth* Israel must wrest its independence by its own efforts, as if in its wanderings through its age-old wilderness it was thrown back solely upon itself and therefore had solely of itself to free itself, as far as it could, from the chains of suffering that held it in thrall.¹ (ii) Throughout the many centuries it proclaims to the generations of Israel the warning: 'Remain true to the land which has accepted you, to the Ruler Who protects you! It is God Who leads you everywhere and is with you everywhere. In this great trek through the wilderness, too, God goes before you unseen and points out to you where to stay and which places to avoid. Give yourselves up entirely to Him and show this surrender in loyal attachment to your protecting Ruler and Realm and in resigned obedience even to your oppressors. Thus will He incline their hearts to lovingkindness and the length of your suffering will be eased.'

(2) **תענית אסתר**. The Fast of Esther commemorates another sin of the *Galuth* and a warning against it of which we know only by tradition. 238
The Fast, too, has, by the tradition of its origin, become the commemoration of an epoch. It seems as though the guilt-consciousness of the people had itself set up this memorial as a reminder.

¹ Samson Raphael Hirsch refers here obviously to the famous Talmudical passage in *Kethuboth*, III, in which Israel is enjoined neither to seek its deliverance from the *Galuth* by force nor to rebel against the nations of the world which treat it with injustice; and the nations are enjoined not to oppress Israel unduly. But that does not mean that Hirsch was in favour of a quietism which accepts injustice passively without strong protest. On the contrary, the fiery speeches which Hirsch delivered against the unjust treatment of the Jews while he was a member of the Moravian Parliament, and his demands for equal citizenship for Jews everywhere, Hirsch's many pamphlets and published circular letters, addressed both to his co-religionists and to his non-Jewish fellow-citizens, on the subject of equal citizenship and equality before the law, clearly prove that he was anything but a quietist.—*Ed. Note.*

The Event: Ahasuerus, in keeping with the disposition of Oriental conquerors, was gentle with the vanquished. As he ruled over so many nationalities, his quick glance could not, of course, fix upon any one characteristic; and therefore, however varied their language, customs or religion, all who submitted to the common term of subject were welcome to him. And so those of the people of Israel (they had, in any case, much for which to thank the Persian Government) who had stayed far away from their homeland basked in the benevolent rays of the King's kindness. This was also a test from above—namely, how would Israel, who in the course of the coming centuries would have to pass through so many ordeals in its loyalty to God in its misfortune—how would it stand up to this loyalty to God under the rays of kindness. And behold, Israel, who never wavered in its loyalty under oppression, would not stand up to this test. Enjoying this princely mercy, whether because they regarded it, so long as it lasted, as guaranteeing their well-being, or because in face of the kindnesses extended to them they could not assert themselves in their own characteristic way of life; or because of the folly of thinking that they had to pay for these kindnesses by adapting themselves to the customs of the country, even if the cost was Israel's spirit and Israel's way of life; or because indeed they felt ashamed of their own peculiar characteristics and were eager to join themselves as quickly as possible with those upon whom their external welfare depended—in short, Israel could not stand up to the test. These kindnesses made them apathetic to the teaching of their Father. But God soon wrenched them from their dreams. A man arose, eternal example in Israel's *Galuth* of how one can be loyal to king and country and yet remain a Jew in the truest and noblest sense. Mordecai had to teach them by his own example not to know anything of compromise with Israel's only goodly possession in life; and to know that, even though you may be able to buy the favour of those in power by surrendering only one of the duties of an Israelite, you must give yourself and all yours as the price rather than seize life and comfort through the violation of duty; to remain true and to put all else into the hand of God. And because these very people, despite their attempts to adapt themselves, had experienced the fickleness of human favours, and because God had just converted the danger with which Mordecai's firmness had threatened them all into a glorious salvation, they realized their errors in the hour of danger. And so while the day of their salvation was instituted by their leaders as a commemoration of a time of joy, the people themselves kept the day before as a memorial warning us of sinful erring. That, indeed, is the Fast of Esther.

The Warning: Of what then is the Fast of Esther a warning? Of the error of buying the favour of nations by adaptation to their way of life to the extent of violating Divinely imposed obligations. While the

Fast of Gedaliah warns us against disloyalty, disobedience and intransigence to God (which drove us into exile), and demands from us attachment, obedience and loyalty to the nations who have accepted us, the Fast of Esther shows us that there are limits to this summons set by loyalty to the law which makes us into Israel. It proclaims to all generations of Israel: If God again tries them by means of the benevolence of nations as He did by the latter's cruelty, they must remain steadfast in this trial and meet the conciliatory kindnesses with loyalty and attachment and by furthering the welfare of the nations and by the full development of the beautiful character of Israel, as, indeed, is demanded by God amid the harshness of nations—but not by the surrendering of Israel's spiritual self. For that would mean committing suicide in order to gain life.

Accordingly the pattern of the fast days (תעניות) is as follows:

239

1. Commemorations of the causes of the *Galuth*:

Pleasure-seeking.	Self-seeking.
First Temple.	Second Temple.
תשעה באב and שבעה עשר בתמוז, עשרה בטבת	

2. Commemorations of the sins of the *Galuth*:

Pleasure-seeking.	Self-seeking.
Weakening of life by forgetting duty.	Stubborn disobedience of rulers and nations and God's design.
תענית אסתר	צום גדליה

Therefore:

תשעה באב	and	שבעה עשר בתמוז, עשרה בטבת
Self-seeking	and	Pleasure-seeking
in the Land of Israel.		
צום גדליה	and	תענית אסתר
Self-seeking	and	Pleasure-seeking
in the <i>Galuth</i> .		

There could be a commemoration of yet another sin of the *Galuth*—namely, disloyalty to the Torah in times of oppression. But history offers no instance of this. Israel was always great in times of suffering. Millions of dead have engraved in the history of Israel's *Galuth* the mighty fact that amid and despite oppression, degradation and hardship, Israel always remained true to his God and preferred to surrender all that was his and his family's, including life itself, rather than save himself from oppression—even if it meant, as was often the case, uttering just one required word—and share in the happy sunshine of his oppressors. It is, indeed, its happy and benign days that Israel has to fear.

240 The purpose of all the fast days is therefore תשובה, acknowledgment of the lesson of Exile, examination of one's self and of how far this lesson has been learnt and lived and a firm resolve to implement it. The way to this *teshuvah* is paved by Divine Service, by fasting and by mourning.

1. *In Divine Service* the significance of the day should be fully understood, studied and taken to heart. See Section VI.

2. *Fasting*—i.e., abstaining from all kinds of nourishment for one day, should help in mastering the animal in man, in calling a halt to striving for self-gratification and in showing that a firm will can well remain the victor. It should also bring home the thought whether what made it possible for us to control our impulses and cravings—or, at any rate, the most pressing ones—for one day, could not make it possible for every day; and if we cannot control all such impulses, then at least we should shun the impure, the exuberant and the forbidden. Fasting, therefore, should contribute towards the eradication of one of the sources of sin, pleasure-seeking.

3. *Mourning*—i.e., the expression of one's sorrow and remorse. While on the one hand mourning testifies to our being linked with the destiny of Israel, it should also help in driving away self-gratification and all its hateful consequences by making us conscious, through the ruin of Israel's ancient State—that glittering edifice of the outward manifestation of nationhood—of the frailty of a personality based entirely upon the ego, be it ever so rich. Mourning should therefore contribute towards the sealing-up of that other source of sin, self-seeking.

241 Fasting in its relationship to the basic roots of the decline and fall of Israel is common to all fast days—indeed, is not self-seeking really but another form of pleasure-seeking, the pursuit of complete self-indulgence? Mourning, which is primarily related to the sins which became manifest at the time of the Second Temple, is observed only on the ninth of Av, the commemoration of the fall of the First and Second Temples and thus of absolute ruin. On this day fasting is made more stringent by the self-denial of all forms of enjoyment. Both (mourning and fasting) begin with the entry of the ninth day and they therefore go on from evening to evening. Indeed, even in the days preceding—namely, from the first to the ninth of Av and from the seventeenth of Tammuz to the first of Av, we introduce semi-mourning and semi-fasting, whereas on the other fast days fasting commences only at daybreak.

242 The observance of these five fast days is thus the duty of everybody (O. Ch. 549, 550, 686). It is a more binding duty to fast on the ninth of Av, so that even those who are ill, etc., upon whom fasting falls heavily,

must fast provided this will not prove dangerous (O. Ch. 550). The Fast of Esther is the least stringent because it was adopted by tacit custom, and so even those not dangerously ill, etc., are, in case of need, free from fasting (O. Ch. 686). If one of these fast days falls on Sabbath it is moved to the next day; the Fast of Esther, however, to the preceding Thursday (O. Ch. 550, 686). Already from the first to the ninth of Av, and particularly during the week of the fast, every expression of joy is forbidden. Mourning is introduced by showing disregard for external appearance in regard to washing oneself and one's dress and by refraining from cutting the hair of one's beard or one's head—the latter actually from the seventeenth of Tammuz onwards. During the whole of the time from the seventeenth of Tammuz onwards no marriage is celebrated. From the first until noon on the tenth of Av one must not partake of meat or wine (see in detail O. Ch. 551, 552). On the eighth of Av, a full meal may be taken only before the final meal (סעודה מפסקת), which must consist of only one course. One partakes of this meal sitting on the floor, as is done when mourning, and the meal usually consists (like the first meal of a mourner) of eggs (O. Ch. 552). Fasting begins at the time when it is doubtful whether it is night or day; mourning, however, when night has completely fallen, unless one has expressly vowed to accept the fast while it is still day-time. As soon as the afternoon commences one's mind must be engaged only in such occupations as are permitted on the ninth of Av; others are prohibited. When the eighth of Av falls on Sabbath and even when the ninth of Av falls on Sabbath and the fast is postponed to Sunday, all this does not apply, save that engaging one's mind in the study of the Torah already becomes restricted in the afternoon; and when the ninth of Av falls on a Sabbath this restriction applies to the whole day, as it would do on a normal ninth of Av.

On the ninth of Av all the laws of mourning come into force as with an אבל, except for the prohibition of work—and all the laws of fasting as on Yom Kippur (see paras. 320 and 158). However, all work in which time is a factor and so distracts one's mind is forbidden right up to mid-day (O. Ch. 554). Concerning mourning on Tishah be'Av, therefore, one should read what has been prescribed for mourning for the dead. For on the ninth of Av we are all mourners for Jerusalem—Zion, the sublime mother who nourished us, nurtured us, brought us up and saturated us with the spirit of God which radiated from there—she is no longer the heedful mother—and, motherless, her children are scattered—but they are not bereft of their Father, the Eternal, Who lives for ever, Who does not forsake them even in *Galuth*, Who hovers over them unseen and tends the light of the law so that there be no night over Israel. But mourning must not be with us only on this day of

243

remembrance; everywhere and always the sense of mourning should accompany us. Never, never may we forget that we belong to Israel's destiny and that it is ours to fulfil in the *Galuth*, the grand mission of Israel. And even if you are rich and endowed with earthly goods, aye, even if all Israel were so, and all bonds which still fetter Israel here and there in its outer life were loosened—remember, you are mourning not only the destruction of your fortunes in the outside world—this even alien lands could replace. When you mourn for the Land of Israel that has been lost, you do not mourn just for the loss of an outward geographical entity. Rather do you mourn for the *Holy Land* upon which the life of Israel, suffused with the spirit of God, should have blossomed forth on all sides. When you mourn for Jerusalem, your deepest mourning should be for the fall of Zion, which represents the spiritual part of Jerusalem.

The feeling of mourning for the fall of Zion should be given visible expression at all joyful events, especially on those occasions which show your prosperity in the outward material things of life and which are apt to give you a sense of security. If, *e.g.*, you have a beautiful house built for yourself, a square cubit near the entrance should be left free of mortar plastering as *זכר לחורבן*, a visible sign of mourning for the fall of Zion and the destruction of our Sanctuary in Jerusalem. It is customary to strew ashes upon the forehead of the bridegroom on the day of his wedding, or to observe some other symbol of mourning, such as the breaking of a glass under the *חופה*, etc. When Israel's women put on their ornaments for a festive occasion, they should always deliberately leave off a piece of jewellery and consider this omission a symbol of mourning for the fall of Zion. Similarly, if you lay a table for a banquet, let something necessary be lacking at one place; joyful songs and music should always be subdued in the tents of Jacob.¹

B. VOLUNTARY FAST DAYS

- 244 As at these commemorations fasting was instituted as a means of mastering one's passions and animal instincts—in other words, as a means of *teshuvah*—it becomes a salutary means for every single individual who wants to tread the path of *teshuvah*. When suffering calls one to inward looking and to testing one's way of life, when one requires

¹ This and the other symbols of mourning just mentioned are alluded to in Ps. cxxvi. 'When the Lord will turn again the captivity of Zion we shall have been like them that dream. Then will our mouth be filled with laughter, and our tongue with singing'—only then, but not until then, may we again give full expression to our joy in song and laughter. See also Ps. cxxxvii.—*Ed. Note.*

support in the fight against sensuality, to such a person fasting voluntarily is offered as a medium. So it is that even whole communities and larger groups institute a general fast when a misfortune that has befallen all calls for repentance by all. But fasting never has any value in itself; it has no special merit of itself; it acquires these only when you use fasting as a means of bettering yourself and when you emerge from your fasting purer and stronger in the fight against the animal in you. Otherwise, except in the cases already mentioned, where neither suffering nor the battle against sin demand it, fasting is quite wrong. For, remember, your physical strength, too, is not yours to weaken arbitrarily at your will; you must spend it to the best advantage of yourself and your community. Therefore he who fasts when there is no obligation to do so and robs himself of his strength commits a sin.

Especially should he who is engaged in the study of the Torah not fast when there is no obligation to do so, nor should he who is giving service to others through his mental or physical faculties as a teacher, an official or a daily worker (O. Ch. 571; Ch. M. 333, 337). Similarly, where necessity demands every unit of manpower you must not in that case fast; you may, however, make a solemn vow to fast at the time of deliverance. If, in your fight against sin, fasting is of no avail to conquer the animal within you or if the state of your health does not permit you to fast, learn to control yourself by repeated small acts of self-denial (O. Ch. 571). Every fast day assumed voluntarily becomes, by your solemnly declaring in the preceding Minchah Service the intent of such a fast, elevated to a victory of resolution over impulse. A solemn undertaking made mentally in the Minchah prayer is also binding (O. Ch. 562). All such fasts begin only at daybreak and one may partake of nourishment during the preceding night unless one went to sleep with the intention of not partaking of nourishment any more during the night. If one wishes to eat after sleeping and before daybreak, one must have made that proviso expressly (O. Ch. 564). Every fast day continues generally until the beginning of night (O. Ch. 562). Anyone who has solemnly undertaken to fast on a particular day but eats thereon has not fulfilled his vow, even if he ends the day by fasting; he must fast on another day. Similarly, one who has to fast on a certain day because of a vow he has made voluntarily and has eaten thereon and ends the day by fasting—he must also fast on another day without interruption. A fixed annual fast day is observed by fasting throughout the day and, if interrupted, requires no other day in substitution (O. Ch. 568). The following have been brought in by custom for personal *teshuvah*: Yahrtzeit (Y.D. 376, 391), Monday, Thursday, Monday after the festive season of Pesach and Sukkoth (O. Ch. 492); the Ten Days of Penitence before Yom Kippur, the first day of Selichoth, the day before Rosh Hashanah (O. Ch. 581) and the day before Rosh Chodesh (O. Ch. 418).

These, however, are not binding obligations; they are rather commended and are adopted, if at all, as if under a vow and therefore, if followed, have all the binding powers of a vow. It is therefore a good thing not to undertake these fast days perpetually. In this category are also included one's wedding-day (O. Ch. 573; E.H. 61) and the Fast of the First-born (O. Ch. 471). When a fast day assumed voluntarily falls on *ר"ח*, *י"ט*, *שבת*, *ע"ב*, *פורים*, *חנוכה*, one does not observe the fast if it was just an ordinarily assumed fast without other conditions. If, however, the fast is undertaken under a vow, it is deemed a thoughtless vow and has to be absolved by three men of learning (para. 472) (O. Ch. 570). Similarly, fasting may not take place on Issru Chag (*אסרו חג*), the fifteenth of Shevat, the fifteenth of Av, during Nisan, the thirty-third day of the Omer, from Rosh Chodesh Sivan until after Shavuoth, or during the days between Yom Kippur and Sukkoth. Fasting may nevertheless take place on one's wedding-day except if it be one of the first three days above-mentioned (O. Ch. 573). For other information, for instance, in cases of country-wide calamity, when public fasts are instituted, see O. Ch. 563-80.

34

CHANUKAH AND PURIM

חנוכה ופורים

- 245 When Israel saw itself gathered in part for a second time on ancestral soil, in order as it were to prepare itself for the great wandering through the millennia which lay before it, the wise leaders of the people saw it as their task to be alert to the guidance which God, the Invisible One, would provide for Israel. They noted every misfortune as well as the deliverance from it. They then raised the Day of Deliverance to a Day of Remembrance so that later generations might learn of the internal and external battles of their ancestors which won existence for them in the *Galuth*, so that they might learn that Israel's blessed gift, the Torah, must be preserved in order that fathers could hand it down unadulterated to their descendants; and how God, though not with open miracles as in Egypt, had watched unseen over both—Israel and the Torah—protecting and maintaining and saving them. Thus did *מגילת אסתר* come into being, a record of the danger in which Israel's life and Israel's Torah rolled hither and thither mainly under the oppression of Syrian-Macedonian rule; dangers in which the Torah swayed through internal divisions strange to the true spirit of Israel. But when, in the course of time, Israel was bereft of all external independence, its whole

existence and the continuous upkeep of the Torah became an unending miraculous revelation of the unseen, omnipotent God. Sufferings such as those recorded in *מגילת אסתר* became part of Israel's everyday will to live, and therefore, as our Sages express it, the flesh which, through suffering, had grown insensible to the usual feelings, could no longer feel the wounding knife. Such a daily recording of suffering and deliverance was then discontinued and the further observance of the days already recorded became extinct amid the total destruction. Only two, the most important, were kept as abiding beacons of light for the scattered ones of Israel, so that they might proclaim to them that although He be Invisible He is yet no less Omnipresent, All-protecting and All-saving, and that the God of their fathers carries with them in the Exile too. Every testing comes from His hand, every tear is shed before His eye, every sigh wends its way to Him. And when ruthless violence tries to kill the spirit of Israel or crafty conspirators plan to sport with the fate of the helpless ones, the God of Israel still watches over their spirit and destiny. And the plotters? They slide to their self-destruction. These two commemorations of the Godhead protecting Israel in the *Galuth* are Chanukah (*חנוכה*) and Purim (*פורים*). Chanukah begins on the twenty-fifth of Kislev and lasts eight days. Purim is on the fourteenth or fifteenth of Adar.

CHANUKAH

חנוכה

The Event: The empire conquered by Alexander of Macedon became 246
a prey to his generals after his sudden death. Countries and peoples sighed under the scourge of war which those in power kindled by their factiousness. Israel, whose seeming restoration by Cyrus was never a real one and who, though internally independent, yet externally remained only a favoured province under Persian rule—Israel was sorely wounded by frequent battles, and ultimately became a province of the Seleucids of Syria.

Under Antiochus Epiphanes, a prince of Syria, Israel were now to see, for the first time, the weapons of force directed not against their possessions, nor against their life, nor against their freedom, but against that which was more to them than possessions and property, than land and life and freedom—namely, the tenets and practices of their faith, the *raison d'être* of their life. His object was the extinction of their conscience, the death of their purity of living, the extirpation of the Israel way-of-life. Egypt enslaved Israel's body, Babylon, and later Rome, were conquerors of countries. Persia was even kind to vanquished provinces; all represented overwhelming might and pursued greater

power and wider conquest. To Antiochus the Madman, as he was called in later times, was left the 'honour' of beginning to direct despotic power against the spirit and to render Israel familiar with trials of the sort which awaited it throughout so many centuries, with the choice between death of the spirit and death of the body. Adherence to the mainstays of Israel's life, Torah, Sabbath, circumcision, was paid for with death. Death was the penalty for the fulfilment of every religious obligation. The chastity of the home was brutally ravaged by the lust of the satraps. The Temple was desecrated; idols were set up therein. The renunciation of the one God and sacrificing to idols were to be enforced by the terror of death; then fell the first corpses for the survival of the Torah.

Then, when the faithful had fallen, when the weak were beginning to falter, when all that spelt Israel seemed lost—then arose Mattathias the son of Jochanan, the priest, and his sons. He did not count the number of those who were like-minded; he had faith in the spirit of God, Who endows the spirit with victory over ruthless violence. He rose up to fight against this devastating frenzy; and caused the weakness of the faithful to be victorious, completely victorious over the violence of the presumptuously arrogant.

And just as God watched over the security of the spirit of Israel amid the violence and rage and caused the light of Israel to be rekindled by the flaming spirit which still shone pure in the breast of one man, so did He declare by a visible symbol that in time of desolation He watches over and is the spirit of Israel. As soon as the tyrants were banished, the land cleansed, and the Temple purged of the idolatrous abominations, the Temple lamp, the telling symbol of the God-created spiritual light of Israel (see Section VI), was rekindled. But only one cruse of oil, enough to last one day, was found still undefiled. But lo! He Who watches over Israel's spiritual light caused it to last for eight whole days until fresh oil was prepared. This sign our ancestors grasped fully, and they raised it to a meaningful celebration of Days of Remembrance which they instituted in commemoration of this event.

Each year, when the Chanukah season recurs, lights are kindled in every home of Israel, and by every son of Israel, and the events of those days are celebrated in word and in song, paying homage to God. Thus the darkened courses of Israel are lit up by this message: 'The spiritual light of Israel will never be dimmed.' And even if round about you everything becomes defiled by the oppression of the time, so long as the light remains pure within the confines of only one house or within the breast of only one man, live on joyfully amid all the wanton aberration, even die joyfully under the frenzy of a madman, for the spiritual life of Israel is saved: God watches over it; and even by the light of one man He rekindles it anew.

‘Not by might, nor by power, but by My spirit, saith the Lord of Hosts’ (Zech. iv, 6).

The Celebration: Thus Chanukah commemorates the preservation of the spirit of Israel in the *Galuth*. The eight-day celebration begins on the twenty-fifth of Kislev. During this time any form of public mourning or fasting is forbidden. To engage in one’s occupation is not forbidden. Nevertheless, so long as the Festival lights are burning one should devote one’s thoughts exclusively to the significance of these lights and one should therefore refrain from any other preoccupations during the time. As the underlying motive of the Festival is the spirit, it is celebrated only spiritually and there are no ordinances for material festive pleasures (O. Ch. 670). Everyone must observe the duty of kindling the lights; for they shine forth that which is exalted and eternal. On the first evening one light is kindled in every house, on the second two lights, and one more is lit each day. Where possible, this should be done by every individual in the house but in such a way that the total number of lights requisite for any particular evening remains recognizable. One must take special care that the continually growing number of the lights should be discernible. 247

Before Israel lived among peoples of other faiths, the lights were kindled in the front part of the house at the entrance, to the left of the person entering, facing the mezuzah. For us it remains a domestic festival within the house. They (the lights) stand with their holy purport and must not be used for any other purpose. For that reason another light burns near by in order to shed light. They should be placed more than three *tefachim* (handbreadths) and generally less than ten *tefachim* from the floor, in a special place; and even with us, as an echo of former custom, preferably near the door. In the House of Prayer where the lights are also kindled, in order to spread the knowledge and the lesson of the miracle, the candelabrum should stand as a rule on the south-east side and the lights between east and west corresponding to the position of the candelabrum in the Temple. But this kindling of the lights in the House of Prayer does not absolve us from the duty of kindling the lights at home (O. Ch. 671). The lights are kindled when the sun has set completely, generally neither earlier nor later, and in such a way that they will burn at least about half an hour (O. Ch. 672). All lighting material is valid, but if possible brightly burning oil or a wax light should be used. The light for kindling is placed in a handy position but it must be isolated and distinct, as mentioned above (O. Ch. 673). The lights are kindled in their specially allocated place and should be left there for half an hour. On the first night the extreme outside light on the right is kindled and on every subsequent night you begin with the light further to the left (O. Ch. 676). After the lights have burned for

the legally required time, they may be used for general purposes (O. Ch. 674). What remains on the eighth day of the oil requisite for the legal measure of the Chanukah light may not be used but must be burned (O. Ch. 677). On Friday the Chanukah lights are kindled first and the Sabbath lights afterwards (O. Ch. 679).

PURIM

פורים

247A Its history is clear. It is given in detail in the Book of Esther (מגילת אסתר) in the testimony handed down to us of the two main characters, Mordecai and Esther. We see foul malice seeking to satisfy personal revenge, seeking to gamble with the lives of so many thousands of victims who are without help from the outside world, seeking to conceal its selfish design artfully under the guise of concern for the State, and, in addition, to present the harmless detachment of Israel as dangerous to the aims of the State. We see it quite sure of achieving its infamous plans—against the helpless, against those whose only possession was a serious appraisal of their past life and a coming back to their God, against those in anxious suspense because of the terrifying day which threatened the destruction of them all. To God alone did they turn: would He indeed avert the disaster? And with the will-power with which man has been endowed they resorted to the only way open to them: earnest submission of their cause and prayer. But God, the Unseen, had for a long time already prepared the cure for the wound. God knits human deeds and their issues with His wise design—the ennui of the sleepless night of a king; the fleeting emotion of a moment in a kingly breast—and behold, averted is the blow from the helpless, from those whose only possession is God! The finely calculated flash of lightning laden with destruction is hurled back upon the head of him who released it, and Israel, defenceless Israel, summoned itself to defend its life, emerges from the danger which threatened it with darkness and destruction—emerges into light and gladness.

So it is that the days of such salvation became Days of Remembrance for scattered Israel. These days conserved Israel's strength in their firm faith that God, though unseen, Who had led them into wandering among the nations, still watches over them and brings to naught all that self-seeking wickedness contrives to forge against them with cunning and with intrigue. Jacob, the weak, must remain strong in the unseen, ever-wakeful God.

As physical life was threatened here and physical life saved, so, apart from the public recital of the story handed down to us perpetuating the event, Purim stresses the enjoyment of festivities, mutual gifts and

consideration for our poorer brethren. Together with this we should joyfully remember how life was given to us again, and in this feeling of joy we should each revive the spirit of our common brotherhood and give it greater scope by bringing cheer to our less fortunate ones.

Its Celebration: On the fourteenth of Adar, both in the evening and 248 in the morning, the story of Purim is read in the Book of Esther (מגילת אסתר). Nothing takes priority over this duty except the care of an unattended dead body lying in the open (O. Ch. 687). Every member of the family of Jacob is in duty bound to read or to hear the Megillah both at night and in the morning. Where possible, one person should read it out aloud when people are assembled and all present should listen to his recital (O. Ch. 689). It should be read out in its entirety from a copy of the Book of Esther (מגילת אסתר), lying before the Reader and conforming completely with the law. In a scroll which has not been drawn up to conform with the law, one may follow the Reader silently but may not pronounce the words with the Reader; and such a defective scroll may certainly not be used to read to the congregation. מגילת אסתר is read as a written testament of what happened in those days (O. Ch. 690). (For rules concerning the preparation of the Megillah, see O. Ch. 691.) (For its recital, Divine Service, etc., see O. Ch. 690-4.) One should give at least two gifts on Purim to two people in need (O. Ch. 694). The actual festive meal for Purim should take place during the day-time. Similarly, two gifts of festive foods should be given during the day to at least one friend (O. Ch. 695). On Purim, unnecessary work should not be done and no lamentation in mourning and no fasting may be instituted (O. Ch. 696). For further rules which apply, see O. Ch. 686-97.

The abuse of power for the destruction of the life characteristic of and 249 peculiar to Israel and the crafty misuse of this way of life of Israel as a pretext for schemes of violence are both most terrifying phenomena which threaten Israel in its wanderings as pillars of fire and as pillars of cloud and they exhort us to remain faithful to *all* obligations, faithful to the mission of Israel, faithful to the country and the rulers who have made us welcome—and then to turn our eyes to God and to fear neither violence nor cunning.

In their import and intent these two are related to the other festivals as follows:¹

	<i>Physical</i>	<i>Spiritual</i>
Israel's creation:	פסח	שבועות
Israel's preservation:	סוכות	שמיני עצרת
Israel's preservation in the Exile:	פורים	חנוכה

¹ See also S. R. Hirsch, *Commentary on the Pentateuch*, Levit. xxxiii, 9.—Ed. Note.

CHODESH

חודש

And the Lord spoke unto Moses and Aaron in the land of Egypt, saying: 'This month shall be unto you the beginning of months; it shall be the first month of the year to you.' EXOD. XII, I.

Observe the month of Aviv, and keep the passover unto the Lord thy God; for in the month of Aviv the Lord thy God brought thee forth out of Egypt by night. DEUT. XVI, I.

And God said: 'Let there be lights in the firmament of the heaven to divide the day from the night; and let them be for signs, and for seasons, and for days and years.' GEN. I, 14.¹

- 250 Although, as it seems, time is only an external means of measuring the span of life and all that happens or fails to happen in it, it bears nevertheless no inconsiderable influence upon life, however human beings may count it or whether they count it at all. As long as we lack some internal means of gauging our conduct, or at least as long as its tendency is not always clear to us, how much in fact is there which does not happen in accord with the external time-gauge or indeed happens save only with it? 'At such appointed time did this take place'; the declaration of the Lawgiver applies just as much to what was external as to what was internal to man and his vigorous, strong will: 'this shall take place at each such appointed time and shall return again with it.' Truly, if we lived with clocks without hands and took no notice of time, no commemoration of any date or appointed time would be possible. One day would be like another; and as the exact external means of setting a measure for events that had taken place would be lacking, so also we should lack the identity of those days which, dedicated to the memory of certain epochs, rise above the rest and as ever-recurring time-commemorations, bring the fruits of the past to the distant future. It also matters a great deal *how* we count our days; if our years were shorter or longer than they happen to be, we would do much in the one case more eagerly, more frequently, or in the other more slowly, less frequently or not at all. Taking the counting of time merely as something external and capricious, our whole inner and outer life would, in the one case, be more headlong in its ebb and flow, and in the other, more supine and sleepy.

¹ Cf. also S. R. Hirsch in his *Commentary on the Pentateuch* on the passages quoted, especially on Exod. xii, 1.—*Ed. Note.*

But our reckoning of time is not based on any external yardstick or some capricious form of counting. At first, the earth itself produced the various grasses and the trees; after that the Creator took the seeds for these grasses and these trees from the earth itself and bedewed the kingdom of plant-life with them, so that thereafter the earth would first have to take in the seed and by them germinate its plant-offspring in maternal fashion. And so God, in His wisdom, Himself laid down the conditions and the ground-source for the entity and the life of every being everywhere, great or small, and bestowed these upon creatures of the same genus whose life, in its turn, would give root in a fellow-being, so that no creature in the world of creation could in its selfishness form a closed circle. Instead, a great order of give and take thus embraced all beings with love and engendered life—life which is naught but receiving and nurturing that which has been received for the further gift of life to others; life which is also giving and by that giving receiving the consummation of self in one's fulfilment of the duty of creating. So, too, with water and light; these at first watered the earth and aroused and helped it to advance in its first stages of development. But God separated the water from the earth (which was to receive it again in the form of rain) and divided the water below and above and also removed from the earth the source of all life and growth—namely, light, and bestowed it upon the torch-bearers on high, the sun, the moon, and the stars, so that thereafter the underlying conditions of all forms of life, *i.e.*, warmth, darkness and cold, dryness and humidity, were lifted above the earth and would have to be received from above. Thus, this earth-planet stands before us divided into heaven and earth; the heavens giving, the earth receiving; the heavens governing by the eternal Divinely instituted order of terrestrial evolution; the earth receiving laws from heaven and, in accord with the simple changes of the heavenly bodies near and far, living out its manifold changes of organic evolution in the millions of its creatures ever young and ever new. 251

Thus the world around us and we ourselves are in a state of continuous flux. There are the hours. These form a complete day and night according to the rotation of the earth. There are the days. These make up a month according to the revolution of the moon around the earth; and there is the year-cycle determined by the elliptical revolution of the earth around the sun which forms a complete year. The influence, too, of day and night upon our body and our mind, and of the year-cycles and with these our reactions to the sun, is clear. Less clear is the influence of the moon in its bearing upon the days of the month. However, first it can be deduced from the influence of the sun, and secondly it becomes manifest in the not insignificant phenomena on the global earth as, for example, in ebb and flow, in changes in the human 252

body, and perhaps, too, in the whole genesis of the animal world. If we follow the suggestions which seem to be indicated in the writings of our forefathers we could clearly reach the following conclusions. Just as the sun persists as the producer centrifugally of rays which engender ever-pulsating life and bring light and warmth, so the moon stands as the distributor of the faculties and potencies for receiving the life which the rays of the sun have been appointed to engender. Indeed, without the contrasting yet complementary influences of the moon and the sun—as in the case of humidity and cold with dryness and heat—the burning rays of the sun could transform the earth into a parched waste of barren rocks. The water-flow over this earth-planet seems to be conditioned by the course of the moon which, as satellite of the earth, revolves round it, endowing it in its course with contrasting wetness and cold; and by overcoming this the sun engenders life. As it gets its own light from the sun, so the moon at once prepares the earth to absorb the rays of the sun. If, therefore, the sun not only rules the earth but is beneficial to other planets as it is to the earth, so the moon really belongs to the earth; and earth and moon together form this terrestrial world which is stirred to life by the sun.

If, therefore, we regulate our counting of time according to the course of the sun and the moon and not according to the revolutions of other stars, we do so because God has conditioned our life to the influences of the sun and the moon. And when you count days and months and years and engrave a 'one' upon the tree of your life you are not acting capriciously; you have, that one day, one month or one year, really run through one period of your life and you now stand ready for a new period. And when each year you celebrate the return of that particular day, this, too, is not something fitful, because for the current year that day is really the same, and holds the same place in it, as the day whose return you are now celebrating.

- 253 *Night and Day*: In keeping with the sequence of time as given in the Creation-story, and also as mentioned in each act of the Creation—for, in both cases, all things step into existence out of the night—and also for the reasons expressed above, we begin the day as from the preceding night. Night is thus for us not a time for resting from the occupations of the previous day, but rather for rallying our strength and preparing for the following day. So, too, with Nature around us. When the potency of the rays of the sun disappears completely—this is discernible when the stars appear—our day begins and it lasts beyond sunrise until the dominance of the sun ends, *i.e.*, when the stars appear once again. In our calendar the day is divided into twenty-four hours, every hour into one thousand and eighty subdivisions and each subdivision into seventy-six smaller ones.

Moon: From the moment the moon begins to turn towards us a fragment of its illuminated surface which diffuses light, that is, from the moment we are able to become aware of its influence upon the world—until this disappears entirely and the light-giving begins anew, this counts as a *חודש* (one month) of twenty-nine days, twelve hours and seven hundred and ninety-three subdivisions. The moment when the sun, moon and earth are in such a position that in fact the whole of the unilluminated surface is turned towards us—that is called the *מולד* (*moled*); it is the moment when the moon is reborn for us; because with every succeeding fraction of time the illuminated surface comes nearer and nearer to us. For this reason the *moled* always precedes the day upon which the moon first becomes discernible again—namely, Rosh Chodesh (*ראש חודש*). 254

Sun: The earth revolves round it in an inclined orbit within, as accepted by the Jewish calendar, three hundred and sixty-five and one-quarter days, or, more exactly, within three hundred and sixty-five days, five hours, nine hundred and ninety-six subdivisions and forty-eight smaller subdivisions. Its circuitous course is divided into four *tekufoth* (*תקופות*), each one of ninety-one days, seven hours, five hundred and nineteen subdivisions and thirty-one smaller subdivisions corresponding to the four seasons of the year. They are the *tekufoth* of Tishri, Teveth, Nisan and Tammuz. 255

The course of the moon and of the sun are both taken into consideration in the Jewish calendar. The former gives us the months, the latter the year, because our festivals by their character are linked up respectively with the seasons (para. 164). The month, however, does not consist of a number of complete days, nor does the solar year consist of a number of complete lunar months, because these three systems of time are not integral ancillaries of one whole which renders night and day as perfect sections of a month and the months perfect sections of a year. On the contrary, they are quite separate although co-existent, and they each represent their own facets of the systems governing life on the terrestrial globe, systems which by their interaction give play before our very eyes and partly within our own selves to continually changing life which is (to use a mathematical term) one of the 'known quantities' in life. 256

Therefore we have had to arrive at our own system so that we might have in our life months of a complete number of days and solar years of a complete number of months and yet remain, on the whole, true to the course of the stars. The months vary in the calculation of the number of their days; one month has twenty-nine, another thirty days, and so the complete day which is lost every two months (twelve hours

in each month) is compensated for. There still, however, remains 793/1080 of an hour to be accounted for, and so you have the following regular variation—namely, that sometimes six, sometimes seven, and sometimes only five months number thirty days; and this is how it is done: Nisan, Sivan, Av, Tishri and Shevat always have thirty days; Iyar, Tammuz, Elul, Teveth and Adar always have twenty-nine days; Cheshvan and Kislev vary: sometimes Cheshvan has twenty-nine days and Kislev thirty, and sometimes both have thirty days, and sometimes, too, they both have twenty-nine days in order to make adjustment for the days still remaining overplus. In the first case, the years are called כסדרן (*kesidran*), i.e., following the regular routine, in the second שלמים (*shelemim*, full ones), and in the third חסרין (*chasserin*, deficient). A month of thirty days is known as מלא, a full month, a month of twenty-nine days as חסר, a deficient month. In the solar year there are similarly only twelve lunar months and there remains a surplus of ten days, twenty-one hours, one hundred and twenty-one subdivisions, and forty-eight smaller subdivisions. If these were not adjusted, the same months would occur at different times of the year because in each year we should be this much behind. But it must be remembered that our festivals are essentially linked up with the seasons of the year; for instance, the beginning of Pesach must fall in the month of Aviv, that is to say, the fifteenth of Nisan must fall after the *Tekufah* of Nisan—namely, after the Spring *Tekufah*. Similarly, Sukkoth must be at least in part after the *Tekufah* of Tishri, the Autumn *Tekufah*. For this reason, since this surplus of days, recurring nineteen times, yields in all two hundred and six days, seventeen subdivisions, and one hundred and fifty-one smaller subdivisions, or just seven months in nineteen years, we have during that cycle twelve years consisting of twelve months and seven years consisting of thirteen months, and, in fact, the third, sixth, eighth, eleventh, fourteenth, seventeenth and nineteenth years have thirteen months. A year of twelve months is called פשוטה (*p'shutah*), an ordinary, normal year; a year of thirteen months מעוברת (*me'ubereth*), a surplus or leap year. Such a cycle of nineteen years is called מחזור, a cycle, a round of years, because by it everything becomes adjusted and our reckoning of time becomes reconciled with the actual position of the stars. As the intercalated month, the month of Adar is repeated so that in a leap year there are always two Adars, Adar I and Adar II, the first having thirty days and the second twenty-nine days. When a month has thirty days, the thirtieth day is also kept as Rosh Chodesh (ר"ח), but in the count of days it is considered as the thirtieth of the current month. The following day is again Rosh Chodesh and it begins the following month of which it is the first day. As, however, all the calculations above are only approximately correct and are given only for general purposes, our Sages arranged

adjustments in these calculations which are called *דחיות*; these adjustments follow set rules and achieve agreement with the true position of the stars. In choosing these, various other aims exercised some influence, partly of civil and partly of religious significance, with the view to avoiding ponderous difficulties. For instance, in accordance with certain set rules the day of Rosh Chodesh is moved from the *moled*-day which occurs according to the regularly accepted calculation. Hence it is that in reality only fourteen types result altogether for all periods of our calendar: seven for normal years, and seven for leap years, and it is easy to find which belongs to which year as soon as you know the first day of Rosh Hashanah and whether the year is a normally full or a deficient one. This, too, can be worked out according to fixed rules; the fourteen types of year are appended herein in Table A; also, following this, and for practical use until the year 5795 A.M.¹ on Table B², in which Rosh Hashanah day and the special features in each year (*קביעות*) are marked by a number and letter of the alphabet.

The figures given on Table B denote the days of the week upon which Rosh Hashanah falls. The letters F, D, and R in Tables A and B refer to the form of the year: F=Full, D=Deficient, R=Regular; see para. 256. Table B shows the *keviuth* (*קביעות*), i.e., the character or 'determinative' of every year, whether it be a common or a leap year. C=Common, L=Leap year. Table A shows the corresponding calendar according to the *keviuth* either of the leap or common year, e.g., the year 5648 is the fifth in *Machzor* 298. C denotes it as a common year; its *keviuth* is D₂. On Table A under the common year its calendar may be found under D₂.

TABLE A and TABLE B: see following pages.

257

¹ A.M.=*Anno Mundi* or 'Mundane Era' (dating from the creation of the world).—*Ed. Note.*

² Table B, which, in the original (German) edition ended with the year 5700 A.M., has here been extended by five cycles (*מחזוריים*) until the year 5795 A.M.—*Ed. Note.*

TABLE A¹

LEAP YEARS

COMMON YEARS

D2	F2	R3	D5	F5	D7	F7		D2	F2	R3	D5	F5	D7	F7
2	2	3	5	5	7	7	<i>Rosh Hashanah, Sukkoth and Shemini Atzereth</i>	2	2	3	5	5	7	7
4	4	5	1 ¹	1 ¹	2	2	<i>Tzom Gedaliah</i>	4	4	5	1 ¹	1 ¹	2	2
4	4	5	7	7	2	2	<i>Yom Kippur</i>	4	4	5	7	7	2	2
1	1	2	4	4	6	6	<i>Hoshanah Rabbah</i>	1	1	2	4	4	6	6
3	3	4	6	6	1	1	<i>Rosh Chodesh Cheshvan</i>	3	3	4	6	6	1	1
4	4	5	7	7	2	2		4	4	5	7	7	2	2
5	5	6	1	1	3	3	<i>Rosh Chodesh Kislev</i>	5	5	6	1	1	3	3
	6		2	2	4	4			6		2	2	4	4
1	2	2	4	5	6	7	<i>Chanukah</i>	1	2	2	4	5	6	7
6	7	7	2	3	4	5	<i>Rosh Chodesh Teveth 29 days</i>	6	7	7	2	3	4	5
	1	1	4	4	6	6			1	1	3	4	4	6
1	3	3	4	6	6	1	<i>10th of Teveth</i>	1	3	3	5	6	6	1
7	2	2	3	5	5	7	<i>Rosh Chodesh Shevat 30 days</i>	7	2	2	4	5	5	7
27th A.I	25th A.I	25th A.I	RCh A.II	29th A.I	29th A.I	27th A.I	<i>Shekalim</i> See Section VI, para. 666	29th A.I	27th A.I	27th A.I	25th A.I	RCh A.II	RCh A.II	29th A.I
1	3	3	4	6	6	1	30 days	1	3	3	5	6	6	1
2	4	4	5	7	7	2	<i>R.Ch. Adar I</i>	2	4	4	6	7	7	2
4th 11th	2nd 16th	2nd 16th	15th 8th	6th 13th	6th 13th	4th 11th	<i>Hafsa'oth</i> See Section VI	6th 13th	4th 11th	4th 11th	2nd 16th	15th 8th	15th 8th	6th 13th
							<i>Adar II</i>							
							<i>Zachor</i> See Section VI							
2	4	4	5	5 ¹	5 ¹	2	<i>Ta'anith Esther</i>	5 ¹	2	2	4	5	5	5 ¹
3	5	5	6	1	1	3	<i>Purim</i>	1	3	3	5	6	6	1
18th A.II	23rd A.II	23rd A.II	22nd A.II	20th A.II	20th A.II	18th A.II	<i>Parah</i> ² See Section VI, para. 660	20th A.II	18th A.II	18th A.II	23rd A.II	22nd A.II	22nd A.II	20th A.II
3	5	5	6	1	1	3	<i>Rosh Chodesh Adar II 29 days</i>	—	—	—	—	—	—	—
4	6	6	7	2	2	4								
25th A.II	RCh Nis.	RCh Nis.	29th A.II	27th A.II	27th A.II	25th A.II	<i>HaChodesh</i> See Section VI	27th A.II	25th A.II	25th A.II	RCh Nis.	29th A.II	29th A.II	27th A.II
5	7	7	1	3	3	5	<i>Rosh Chodesh Nisan 30 days Pesach</i>	3	5	5	7	1	1	3
6	1	1	2	4	4	6	<i>Rosh Chodesh Iyar 29 days</i>	4	6	6	1	2	2	4
7	2	2	3	5	5	7		5	7	7	2	3	3	5
1	3	3	4	6	6	1	<i>Rosh Chodesh Sivan 30 days</i>	6	1	1	3	4	4	6
6	1	1	2	4	4	6	<i>Shavuoth</i>	4	6	6	1	2	2	4
2	4	4	5	7	7	2	<i>Rosh Chodesh Tammuz 29 days</i>	7	2	2	4	5	5	7
3	5	5	6	1	1	3		1	3	3	5	6	6	1
5	1 ¹	1 ¹	1	3	3	5	<i>17th of Tammuz, 9th of Av</i>	3	5	5	1 ¹	1	1	3
4	6	6	7	2	2	4	<i>Rosh Chodesh Av 30 days</i>	2	4	4	6	7	7	2
5	7	7	1	3	3	5	<i>Rosh Chodesh Elul 29 days</i>	3	5	5	7	1	1	3
6	1	1	2	4	4	6		4	6	6	1	2	2	4

¹ Figures qualified by 'rd,' 'nd' or 'th' refer to dates of the month; all others denote days of the week. *RCh* = *Rosh Chodesh*; *A.I* = *Adar I*; *A.II* = *Adar II*. ² by a figure denotes that the *ta'anith* is postponed to Sunday on account of the Sabbath, and in the case of *Ta'anith Esther* to Thursday. See chap. 33, para. 242. ³ The letters F, D, and R refer to the form of the year: F=Full; D=Deficient; R=Regular. ⁴ This entry is omitted in the *T'ur*.

TABLE B¹

Years in Machzor	Machzor 305 5777-5795 A.M.	Machzor 304 5758-5776	Machzor 303 5739-5757	Machzor 302 5720-5738	Machzor 301 5701-5719	Machzor 300 5682-5700 A.M.	Machzor 299 5663-5681	Machzor 298 5644-5662	Machzor 297 5625-5643	Machzor 296 5606-5624	Machzor 295 5587-5605	Years in Machzor
	ק נ י ע ו ת											
1 C	D 2	R 5	F 2	F 7	R 5	F 2	F ² 5	R 3	F 7	R 5	F 2	1 C
2 C	R 5	F 2	F 7	R 5	F 2	D 7	R 3	F 7	R 5	F 2	D 7	2 C
3 L	F 2	F 7	D 5	D 2	D 7	R 3	F 7	F 5	F 2	D 7	R 3	3 L
4 C	F 2	D 7	R 3	F 7	R 5	F 2	F 7	R 5	D 2	R 5	F 2	4 C
5 C	D 7	R 3	F 2	R 5	F 2	F 7	R 5	D 2	R 5	F 2	F 7	5 C
6 L	R 3	F 7	F 5	F 2	D 7	D 5	D 2	F 5	F 2	F 7	D 5	6 L
7 C	F 2	F 7	R 5	D 2	R 5	R 3	F 7	R 5	F 2	D 7	R 3	7 C
8 L	D 7	D 5	D 2	F 5	F 2	F 7	D 5	D 2	D 7	R 3	F 7	8 L
9 C	F 5	R 3	F 7	R 5	F 2	D 7	R 3	F 7	F 5	F 2	F 7	9 C
10 C	R 3	F 7	R 5	F 2	D 7	R 3	F 7	R 5	F 2	F 7	R 5	10 C
11 L	F 7	D 5	D 2	D 7	R 3	F 7	F 5	F 2	D 7	D 5	D 2	11 L
12 C	F 7	R 3	F 7	R 5	F 2	F 7	R 5	D 2	F 5	R 3	F 7	12 C
13 C	R 5	F 7	R 5	F 2	F 7	R 5	D 2	F 5	R 3	F 7	R 5	13 C
14 L	D 2	F 5	F 2	D 7	D 5	D 2	F 5	R 3	F 7	F 5	F 2	14 L
15 C	F 7	R 5	D 2	F 5	R 3	F 7	R 5	F 2	F 7	R 5	D 2	15 C
16 C	R 5	D 2	F 5	R 3	F 7	R 5	F 2	D 7	R 5	D 2	R 5	16 C
17 L	D 2	F 5	R 3	F 7	F 5	F 2	D 7	R 3	D 2	F 5	F 2	17 L
18 C	F 7	R 5	F 2	D 7	R 5	D 2	R 5	F 2	F 7	R 5	F 2	18 C
19 L	F 5	F 2	D 7	R 3	D 2	F 5	F 2	D ² 7	D 5	D 2	D 7	19 L

¹ The figures given on this table denote the days of the week on which *Rosh Hashanah* falls.

The letters F, D, and R refer to the form of the year: F=Full; D=Deficient; R=Regular. ² For the year 5662 the sign F7 is given in the *Tur*, and similarly D7 for 5663. The sign cited above is that of *Peri Chadash*. We leave the decision to greater experts.

258 It will thus be observed that we conduct, in the Diaspora, our reckoning of time according to set calculations. But when Israel still remained united in its own land under the leadership of the Sanhedrin, and even later, as long as courts of law functioned in the land, until the time of the later Amora'im, the actual appearance of the moon had to be attested by witnesses before the court and the news distributed throughout the country by messengers. Those whom the messengers could not, as a rule, reach in good time before the festivals therefore celebrated an extra day because of their doubt whether the month had begun on the thirtieth or thirty-first. For all persons so domiciled¹ the authority of the *takanah* (see para. 507), under which an extra day for the festival must be observed, has remained obligatory even though now the reckoning of time is made everywhere by known and fixed calculations. This extra day is, of course, a *יום טוב דרבנן*, a festival to be observed on the basis of a Rabbinical decree.²

259 Now as the month is thus the circle of time which embraces the whole functioning of the moon, and with it the consequent ability of the earth to engender life with the help of the light and heat of the sun, so is the beginning of each month, *ראש חודש*, appointed for the tranquil examination and sanctification of self by man in his life on earth. His examination of self tests his relationship to the sanctities of the Torah by which God dispenses to him the effulgence of the spirit and the pulsating warmth of the heart, and whether, indeed, he can still proffer himself as pure and susceptible to them. His sanctification of self rids him of the unreceptiveness which his past life has brought him and which has stood as an obstacle between him and his striving to know the Divine. It is the insensibility which selfishness and the animal in man breed for him in their path.

But as the day of the new moon is itself especially characterized as a day for the composing of one's inner self before God, God has particularly appointed it for us as a day which invites us to Him and to a regeneration of ourselves before Him.

When we were about to go out of Egyptian slavery to become a free people serving God alone, God summoned our leaders sent by Him, Moses and Aaron, showed them the strip of light of the new moon, and said: *החדש הזה לכם ראש חדשים*, literally, 'This new moon shall be for you the beginning of the renewal of things.' According to the teaching of our Sages, *דיומא שלכם*, 'it shall be your guide,' leading you ever to turn towards your God and His Torah—your Light; the light of the re-awakening moon shall inspire you to rejuvenate yourself to a new purity

¹ Which nowadays means for Jews living outside the Holy Land.—*Ed. Note.*

² On the question of the second day of the festivals (*יום טוב שני של גלויות*) see further S. R. Hirsch's *Commentary on the Pentateuch*, Exod. xii, 2, pp.125-7.—*Ed. Note.*

and a new joy from out of every darkening of your life which sin and suffering bring in their wake. Therefore strive ever and anon for this rejuvenation. It is assuredly yours, as was the deliverance from the Egyptian night. It is always yours if you answer the call of the new moon with its new light.

When the new moon summons you to rejuvenation and to a renewed enlightenment before God, when the moon gently shines its light upon you once again, step forward into its presence purified and exalted; above all declaring God to be the Founder and Sustainer of the universe and of the laws of the heavenly bodies; and perceiving the heavenly bodies which dispense sensitivity and life as the servants of the One God and as fulfilling His will—אמת . . . אשר במאמרו¹. Link up with the moon's renewal the import of your personal renewal and that of the future regeneration of Israel, which has been appointed to bear the gentle, modest light of the spirit and humbly to be the silent instrument to bring mankind upward and nearer to the Divine, submitting meekly to God for all its phases of darkness and night (ליל בנה . . . מלכותו). Resolve to use the portion of the benefits perfected in His world scheme which God has bestowed upon you, only in the pursuit of His will and to the service of God in your active life (ברוך מחדש חדשים). Clinging firmly to this concept, repeat the resolve, imprinting it firmly upon your mind, to serve Him Who is the Designer, Ordainer, Lord and Creator of the moon as your Designer, Ordainer, Lord and Creator (ברוך יוצר). In this elevated frame of mind, you express the wish that, as the heavenly bodies complete their orbits eternally and undisturbed because it is the word of God which guides them, so may you submit yourself readily to the word of God and traverse your round of life sustained throughout by the help of God and lift it above all earthly changes so that no change can come near it and afflict it (כשם . . . תפול . . .). In this wish do not think of yourself alone; include in it, too, the destiny of your people as a whole and what it holds (דוד מלך ישראל); be conscious of yourself as a member of the large totality and include in this wish all your brethren (שלום עליכם . . .). The thoughtful-minded have added Scriptural verses rich with meaning which really only develop the above-mentioned thoughts and, indeed, are their original sources (קול דודי . . .). This is Kiddush Hallevanah (קידוש הלבנה).

Kiddush Hallevanah is performed only at night under the clear light of the moon (when it is not covered by clouds). As a prayer which is 260

¹ This and the following Hebrew quotations in this paragraph refer to the ברכת הלבנה or קידוש הלבנה, a beautiful prayer replete with deep thoughts and meditations on the religious character of Jewish nationhood and Israel's mission among the nations of the world. I do not know why this beautiful prayer has been omitted from Singer's Prayer-Book, which is generally used by English Jews.—*Ed. Note.*

recited under an open sky and in direct contact with Nature, Kiddush Hallevanah is closely linked up with the idea of Creation, of which it is a thoughtful affirmation. In that respect its message is akin to that of the Sabbath; just like the Sabbath, Kiddush Hallevanah serves as a reminder of Creation and the Creator and leads us to remember and to contemplate. For this reason it is considered an especially meritorious act to perform Kiddush Hallevanah at the conclusion of the Sabbath or festival, although as a rule it should not be recited on a Sabbath or Yom Tov itself (*cf.* para. 275). One should wait to say Kiddush Hallevanah until מוצאי שבת (the conclusion of the Sabbath), provided it occurs before the tenth of the month, so that there are at least five nights to the half of twenty-nine days, twelve hours, and seven hundred and ninety-three subdivisions counted from the *moled*. If מוצאי שבת occurs later, one should not wait. Kiddush Hallevanah must be observed in the first half of the month, before fourteen days, eighteen hours, and three hundred and ninety-six subdivisions, counted from the *moled*, have passed, and only after three times twenty-four hours after the *moled* on a מוצאי שבת (conclusion of the Sabbath), and on a work-day only after seven times twenty-four hours after the *moled* has passed. In the month of Av, it takes place after the ninth, and in Tishri not before the conclusion of Yom Kippur. All forms of bowing should be avoided so as not to give any impression of idol-worship. One may, however, lift oneself on to one's toes in the same manner as at קדושה (see Section VI and O. Ch. 426).

For the order of the Divine Service on Rosh Chodesh see Section VI. On dating documents as for the first Rosh Chodesh day, when there are two days of Rosh Chodesh, one should write: 'On the first Rosh Chodesh day of the month B, which is the thirtieth day of the month A (namely, the preceding month),' and when dating documents as for the second Rosh Chodesh day, one should write 'On the first day of the month B' (O. Ch. 427).

- 261 True to the evolutionary course of things, we count the year from Tishri, the autumn, because spring and summer are but the offspring of autumn and winter. The months, however, we count from Nisan because it is the epoch of the Exodus from Egypt, and we call the months simply the first, second, third, etc., in the same way as we reckon the days of the week as such-and-such a day from the Sabbath (*cf.* para. 195). The names Nisan, Iyar, etc., are Chaldean and originate from the Babylonian Exile.

MILAH

מילה

And when Abram was ninety years old and nine, the Lord appeared to Abram, and said unto him: 'I am God Almighty; walk before Me, and be thou perfect. And I will make My covenant between Me and thee, and will multiply thee exceedingly.' And Abram fell on his face; and God talked with him, saying: 'As for Me, behold, My covenant is with thee, and thou shalt be the father of a multitude of nations. Neither shall thy name any more be called Abram, but thy name shall be Abraham; for the father of a multitude of nations have I made thee. And I will make thee exceeding fruitful, and I will make nations of thee, and kings shall come out of thee. And I will establish My covenant between Me and thee and thy seed after thee throughout their generations for an everlasting covenant, to be a God unto thee and to thy seed after thee. And I will give unto thee, and to thy seed after thee, the land of thy sojournings, all the land of Canaan, for an everlasting possession; and I will be their God.' And God said unto Abraham: 'And as for thee, thou shalt keep My covenant, thou, and thy seed after thee, throughout their generations. This is My covenant, which ye shall keep, between Me and you and thy seed after thee: every male among you shall be circumcised. And ye shall be circumcised in the flesh of your foreskin; and it shall be a token of a covenant betwixt Me and you. And he that is eight days old shall be circumcised among you, every male throughout your generations, he that is born in the house, or bought with the money of any foreigner, that is not of thy seed. He that is born in thy house, and he that is bought with thy money, must needs be circumcised; and My covenant shall be in your flesh for an everlasting covenant. And the uncircumcised male who is not circumcised in the flesh of his foreskin, that soul shall be cut off from his people; he hath broken My covenant.'

GEN. XVII, 1-14.^{1,2}

And the Lord spoke unto Moses, saying: 'Speak unto the children of Israel, saying: If a woman be delivered, and bear a man-child, then she shall be unclean seven days; as in the days of the impurity of her sickness shall she be unclean. And in the eighth day the flesh of his foreskin shall be circumcised.'

LEVIT. XII, 1-3.

'Walk before Me, and be perfect.'

262

¹ Cf. S. R. Hirsch, *Commentary on the Pentateuch*, Gen. xvii.—Ed. Note.

² For a more detailed study of the symbolical meaning of *milah* cf. S. R. Hirsch's 'Symbolism in Jewish Law,' *Collected Writings*, Vol. III (1906), pp. 254-396. Part of this important essay has been published in English translation in *Timeless Torah* (An Anthology of the Writings of Samson R. Hirsch), pp. 364ff.—Ed. Note.

‘Lead thy whole life before Me, the Omnipotent, the Omnipresent. In every moment of thine existence lift up thine eyes to Me, yea, live so that every fraction of thy life is Mine—so be thou perfect! Do not divide thy being into two as if indeed thou didst belong in spirit to heaven, in body to earth; as if thou wouldst serve God in spirit but in body wouldst revel in the animal within thee; be thou wholly perfect! Behold in thy body the means of serving God, every faculty within thee, thy body too, entrusted to thee for a Divine purpose. Dedicate thy spirit and thy body to Me and so be thou perfect and whole, thy complete entity moved by one thought only, dedicated to the One, the All-embracing One God.’

Thus did God speak to Abraham when He bade him set His seal upon that part of his body where man is most akin to the animal and thereby sanctify and dedicate his body to His purposes.

- 263 Keep the strength of your body holy: do not squander it in vile, sensuous lust. Do not dissipate it against God’s will. Expend it only as a servant of God, seeing even in the most animal-like actions but the sacred mission planned in holiness for the upbuilding of the world. Keep your strength holy for this sacred purpose; and to this Divine end curb your animal passions. Know that God will demand retribution for every atom of strength which you squander outside His service or dissipate against His will. This is the summons the seal of Abraham brings to you—stifle animal desires at their onset, stifle them at their birth.
- 264 See now. You cannot declare: surely I am free to use my own body? Against whom do I sin if I use it according to my desire—if I give rein to my instincts which God Himself has planted within me? It is against your God that you act unrighteously, your God to Whom you, your body and your instincts all belong, your God Who caused you to set His seal upon your body so that you might control your body and your instincts and keep them holy for the purposes for which He implanted them within you.
- 265 To keep this seal of the covenant as something holy is fundamental to the eternity of your people; fundamental because then the animal in Israel cannot gain mastery, a mastery which results in a degenerate people being effaced from the ranks of the nations, however enfeebled the latter may be. Because this seal of the covenant is fundamental, sinful parents may raise worthy children, and in every freshly blossoming generation a new garden of God can bloom to which the spirit of God, estranged from the erstwhile degenerate age, can betake itself again. Desecration of this seal of the covenant brings in its wake an ever-growing bestiality in the spirit of man, brings in its wake a crippling of

the human body, a degeneration of the race and a corruption of the family; it bequeaths the maladies of enfeebled parents to the even more debased weakling grandchildren. Only in a body strong in holiness does the spirit live strong, holy and mighty.

Therefore did God declare: 'And I will establish My covenant between 266 Me and thee and thy seed after thee throughout their generations for an everlasting covenant, to be a God unto thee and to thy seed after thee' (Gen. xvii, 7). But it is incumbent upon you, too, to 'establish My covenant. Thou and thy seed after thee throughout their generations.' And this is 'My covenant' which you must keep 'between Me and thee and thy seed after thee': 'Every male among you shall be circumcised.' 'And the uncircumcised male who is not circumcised in the flesh of his foreskin, that soul shall be cut off from his people; he hath broken My covenant' (Gen. xvii, 14).

Thus spake God to Abraham; thus does He speak to every descendant 267 of Abraham. And you, O my young people who read this, do not bear the impress of Abraham's seal in vain. Do not become submerged in the degeneration of the age; bethink yourselves, you are descendants of Abraham—carry ever this symbol of holiness—it will save you from corruption; it will stand by you in battle—it will in truth help you to conquer. If youth everywhere becomes sear like withered flowers and hastens to its destruction, stand proudly strong, proudly firm in the holy mission entrusted to you in the name of Israel: *הַתְּהַלֵּךְ לִפְנֵי יְהוָה תָּמִיד*. Wherever you be, go your way in My presence; be pure and without stain, be without blemish; 'be perfect'; be wholly Mine with all that is yours. Thus does God call to you through the seal of the covenant whenever sensuality entices you astray—He proclaims this to you; and will you spurn His summons?—will you condemn the noble flowering of Israel—for what purpose?—to revel in lust—and to rot and decay?

It is upon the father that the binding duty lies of both tending the 268 physical well-being of the young human offspring and nurturing and training it in soul and mind towards the complete harmony of man and Israelite. Upon him lies also the next duty, of setting the Abrahamic seal—the sign of the dedication as man and Israelite—upon the flesh of every new-born son on the latter's eighth day. If the father neglects this duty, it devolves upon the authorities of his community. If they omit to perform it, the duty rests upon every descendant of Abraham as soon as he reaches his religious majority (*i.e.*, after completion of his thirteenth year) to consummate (or cause to be consummated) the sealing of the covenant upon his body. Should he omit to do this, he brings himself within the pronouncement: 'That soul shall be cut off from his people'

(Gen. xvii, 14) (Y.D. 260, 261). *Milah*, which lifts man out of his animal pursuits into a humanism pure, effective, and creative, must be performed only in that part of the day applied primarily to active undertakings—namely, in the day-time after sunrise.¹ And since its aim is not some physical goal or some sure means of body-building or but a further step in the realization of a physical birth, but rather a meaningful symbol of the mission of the man and Israelite² to which the young offspring must be educated and to which he must aspire, the young being must therefore pass through a full period of seven days as a creature perfect in body; and only on the eighth day³ must the seal of the 'Israel-Man' be impressed upon him. A healthy child must be circumcised on the eighth day after his birth; a sick child or one suffering in any way, not before it is fully recovered, and if the whole body was attacked by the illness, only after seven times twenty-four hours after its recovery. If, however, the illness was limited to one limb only, circumcision takes place as a rule immediately after recovery. Similarly, where the blood circulation is not yet right and especially where any illness is suspected, *milah* is postponed until after complete recovery. *Milah* can always be performed later; a human life can never be recalled (Y.D. 262, 263). The third son of a man or a woman whose two preceding sons died as a result of circumcision, or the son of a woman with two sisters who each had a son who died as a result of circumcision, is circumcised only after he has grown up and his faculties so steeled that *milah* can be performed without any misgivings (Y.D. 263). If it is doubtful whether the child was born by day or whether it was already night and so another day had already begun (paras. 193, 253), then eight days are counted, including the day that began with that night. If, however, the eighth day then falls on a Sabbath or a festival, *milah* is performed on the ninth day. If three stars of medium size were already apparent, the child was undoubtedly born at night and *milah* is then performed on the eighth day from that night even if it falls on a Sabbath or festival. When it is certain that the Sabbath or the festival is really the eighth day after the birth, *milah* is performed on that day, but everything requisite for it which can be prepared upon the day before must not be prepared on the Sabbath. If nothing can be done without this requisite, *shevuth* (that which is forbidden by Rabbinical decree) must be performed through a non-Jew, but nothing may be done which is forbidden in the Torah. If, however, the date of *milah* is doubtful (as mentioned above) or if it is a postponed *milah*, it may be performed only on a weekday (Y.D. 262, 266). For all other laws and regulations concerning *milah*, study Y.D. 260-6.

¹ Cf. S. R. Hirsch, 'Symbolism in Jewish Law,' *loc. cit.*, pp. 290ff.—Ed. Note.

² *Mensch-Jisroel* (Israel-Man) cf. chap. I, para. 4, footnote.—Ed. Note.

³ Cf. S. R. Hirsch, 'Symbolism in Jewish Law,' *Collected Writings*, Vol. III, pp. 301ff.—Ed. Note.

GID HANASHEH

גִּיד הַנֶּשֶׁה

And Jacob was left alone; and there wrestled a man with him until the breaking of the day. And when he saw that he prevailed not against him, he touched the hollow of his thigh; and the hollow of Jacob's thigh was strained, as he wrestled with him. And he said: 'Let me go, for the day breaketh.' And he said: 'I will not let thee go, except thou bless me.' And he said unto him: 'What is thy name?' And he said: 'Jacob.' And he said: 'Thy name shall be called no more Jacob, but Israel; for thou hast striven with God and with men, and hast prevailed.' And Jacob asked him, and said: 'Tell me, I pray thee, thy name.' And he said: 'Wherefore is it that thou dost ask after my name?' And he blessed him there. And Jacob called the name of the place Peniel: 'for I have seen God face to face, and my life is preserved.' And the sun rose upon him as he passed over Peniel, and he limped upon his thigh. Therefore the children of Israel eat not the sinew of the thigh-vein which is upon the hollow of the thigh, unto this day; because he touched the hollow of Jacob's thigh, even in the sinew of the thigh-vein.

GEN. XXXII, 25-33 [and S. R. Hirsch,
Commentary on the Pentateuch, ad loc.—Ed. Note.]

Jacob had gone through the testing-school of Laban, to whom he had 269
 come as a poor fugitive, bearing Abraham's blessing. For the first time, he steps out independent, the head of a family and thus also of the tribe. He upon whose shoulders rests the destiny of a people must retreat, to flee from the machinations of his own father-in-law! He upon whom the blessing was bestowed steps forward, care-laden and grief-stricken, to meet his brother who, though not invested with the blessing, had already become a mighty tribal prince—and fear comes over Jacob. He measures his small resources against the fully-equipped might of his possibly hostile brother—and again, fear comes over him.

When he stepped out of his father's house, his mission became clear to him. In Beth-El he beheld the angels who, ascending, see the reflection of man's tasks in heaven, and, descending, compare with this the scene of man's life on earth. And so on this fateful night he learns his place in the outside world as bearer of this mission entrusted to him. A heavenly messenger wrestles with him, dislocates the vital sinews of his body; but Jacob remains undefeated. And so it is when external power is pitted against external power: Jacob remains the weaker; but he is not defeated; nay, he stands victorious through his holy mission,

the burden of which also carries with it God's protection. What this event expresses symbolically, his change of name expresses more clearly. He who is 'Jacob' to mankind, 'grasping the heel' and retreating, now stands before God and so also before mankind as *Sar*, as 'Prince,' bearing witness by his name of 'Israel' that 'God is Prince' and Master of all.

And what the symbol of deed and word infused into the soul of the Patriarch, his descendants must ever keep alive through laws which are symbolic; for they are bearers of the same mission and therefore partners in the same destiny: 'Jacob' before external might—but in their destiny and before God 'Israel.' Thus this people, in itself nothing yet with the help of God everything, surviving and overcoming every storm through the omnipotence of God and despite its helplessness, can declare to mankind: 'Israel!' God alone is Master! But because of this, Israel's descendants must not be self-centred, they must not base their destiny upon human might and human cleverness. Israel's children must not feed themselves with *gid hanasheh*. (A similar idea is expressed by the prohibition of chametz on Pesach; cf. chapter 26.)

- 270 גיד הנשה, the sinew of both the right and the left hip of all animals (whose bodies are without exception borne by their feet) is forbidden as food. (The Hebrew word for 'sinew' is perhaps derived from the noun נִשָּׂה, from the root נָשָׂה, whose basic meaning is 'to be deprived' of one's possessions: [1] Property, *e.g.*, in the case where one has a claim upon somebody else; [2] Strength, *e.g.*, as when one becomes dependent, soft, weak, effeminate; [3] Thought, *e.g.*, as when one becomes forgetful. נָשָׂה therefore means softening, weakening, dependence, impotence [femininity]; and so, גיד הנשה means the sinew of weakness, dependence, impotence in any event.) In the case of birds the prohibition of גיד הנשה applies only to those whose hips are roundly arched in spherical form; but such birds are exceptional. For further relevant points see Y.D. 65.

TEFILLIN

תפילין

And the Lord spoke unto Moses, saying: 'Sanctify unto Me all the first-born, whatsoever openeth the womb among the children of Israel, both of man and of beast, it is Mine.' EXOD. XIII, 1-2.

And it shall be for a sign unto thee upon thy hand, and for a memorial between thine eyes, that the law of the Lord may be in thy mouth; for with a strong hand hath the Lord brought thee out of Egypt.

EXOD. XIII, 9.

And it shall be when the Lord shall bring thee into the land of the Canaanite, as He swore unto thee and to thy fathers, and shall give it thee . . .

EXOD. XIII, 11.

And it shall be for a sign upon thy hand, and for frontlets between thine eyes; for by strength of hand the Lord brought us forth out of Egypt.

EXOD. XIII, 16.

HEAR, O ISRAEL: THE LORD OUR GOD, THE LORD IS ONE. *And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy might. And these words, which I command thee this day, shall be upon thy heart; . . . And thou shalt bind them for a sign upon thy hand, and they shall be for frontlets between thine eyes.*

DEUT. VI, 4-8.

And it shall come to pass, if ye shall hearken diligently unto My commandments which I command you this day, to love the Lord your God, and to serve Him with all your heart and with all your soul, that I will give the rain of your land in its season, the former rain and the latter rain, that thou mayest gather in thy corn, and thy wine, and thine oil . . . Take heed to yourselves, lest your heart be deceived . . . and ye perish quickly from off the good land which the Lord giveth you. Therefore shall ye lay up these My words in your heart and in your soul; and ye shall bind them for a sign upon your hand, and they shall be for frontlets between your eyes.

DEUT. XI, 13-19.¹

Four passages from the Torah are, according to the injunctions given 271 to Moses on Sinai, bound round the upper part of the arm nearest to the heart and round the forehead in the middle above the eyes. These passages are:

¹ See also S. R. Hirsch in his *Commentary* on the passages quoted, and in his essay 'Symbolism in Jewish Law,' *Collected Writings*, Vol. III, pp. 254-396.—*Ed. Note.*

- (1) Exodus xiii, 1-10, וידבר, קדש . . . ימימה;
- (2) Exodus xiii, 11-16, ממצרים . . . יבאך;
- (3) Deuteronomy vi, 4-9, ובשעריך, שמע;
- (4) Deuteronomy xi, 13-21, על הארץ, ויהיה אם שמע;

In this way you give outward expression (אות) and keep inwardly in mind (זכרון) and regard as a distinctive decoration (טוטפות):

(1) That it is God Who delivered you from Egypt, and therefore every member of your family and all manner of your possessions are sanctified to God, i.e., they are elect for special service to Him (קדש).¹

(2) That you have kept your life from becoming extinct only through taking this service upon yourself (ויהיה כי יבאך).¹

(3) That this mission which you have undertaken is to be fulfilled by taking *HaShem* to heart as your own God, as your only God, and by surrendering with love all that is yours, inwardly and outwardly, in His service as enjoined in the Torah (שמע).²

(4) That the external fortunes of the people, and the weal and woe with which every individual is closely knit into the people, are granted by God only in the measure of your fulfilment of this, His Torah (ויהיה אם שמע).³

(1): This expresses the basis of Judaism; (2): This expresses the implementation of Judaism; (1) and (3): These express the taking to heart of the fulfilment of Israel's mission and dedicating oneself thereto; (2) and (4) serve as eternal witnesses for you and for mankind throughout history. Bind them round your arm nearest your heart and round your forehead in the middle over your eyes. And so, by these four underlying ideas which form the basis and essence of Judaism, dedicate to their fulfilment—in other words, dedicate to a real service of God by living a Jewish life—your body, your heart and your mind—your possessions, your feelings, your thoughts—your actions (caused by your hands), your will (coming from the heart), your thoughts (emanating from between your eyes). Putting on tefillin therefore means really accounting oneself in the service of God.

272 Tefillin consist of (1) בתים, containers in which are copies of the four portions (פרשיות). These *bathim* (containers) comprise (a) the בתים (containers) proper; (b) חיתורא (*tithura*), the strip of parchment at the bottom which closes them up, really forming a sort of bridge; (c) the מעברתא (*ma'abarta*), the loop through which the binding straps are passed; (2) the רצועות (*retzuoth*), the binding straps, upon which are the קשרים (*kesharim*), the knots.

¹ See chapter 41.

² See chapters 2, 9, and 40.

³ See chapter 40.

Tefillin

Inside the tefillah placed upon the arm are the four *parshiyoth* (selected passages from the Torah) written upon one piece of parchment lying in the one container; in the tefillah which is placed upon the head, however, they are written on four pieces of parchment in four separate sections (of the container). This teaches you that the four ideas (see para. 271) which pass through your mind one after the other should unite for the purposes of the one will coming from the heart (see above) and culminating in one concentrated action. Around the separate rolls of parchment in the tefillah placed upon the head is wound hair—hair taken from an ox or a cow but preferably from a calf. A piece of this is exposed between *parashah* 3 and *parashah* 4, that is, between the *parashah* dealing with one's duty and the *parashah* dealing with its fulfilment, and it serves as a stern lesson and commemoration of the sin of the Golden Calf, warning you against the fall at the moment of your preparing to give active service in homage to God (O. Ch. 32).

The tefillah worn on the arm is bound round the left upper arm upon 273 the lower part which is nearest to the elbow, directly upon the protruding muscle of flesh, the flexor, in such a way that the *מעברתא*, the hollow aperture, is turned towards the shoulder, the *בית*, the container, towards the elbow, and the whole inclined towards one's side so that when one's arm is pressed to the body the tefillah touches the heart, and the knot forming the letter י, bound fast to the tefillah, lies upon the right side (of the tefillah) inclined towards the heart. The place for the tefillah worn upon the head is from where the roots of the hair begin until where—in the case of a baby—the cranium is soft, just in the middle over the space between the eyes. The *retzuah* goes round the head to the occiput and then the knot forming the ד is pressed firmly down the occiput, which is the seat of memory (O. Ch. 27). The *retzuoth* are then allowed to hang over one's chest, one *retzuah* on each side. The end of the *retzuah* of the tefillah worn on the arm is wound—after the tefillah has been tightly fixed—seven times round the arm and then three times round the middle finger (O. Ch. 27). The tefillin put on in the manner prescribed are therefore external symbols of the following: A full understanding of the content of the four *parshiyoth* through the medium of one's thinking faculties (in the middle of the eyes); preserving this in one's memory (the knot on the occiput); directing one's heart to will this (the *retzuoth* falling from the occiput over the breast); and finally the will which prompts an equally dedicated implementation (the *retzuah* coming from the heart over the arm to the hand).

The knot serving as a reminder in the *retzuoth* of the tefillah worn on the head is in the form of the letter ד, the one on the tefillah worn on the hand is in the form of a י, and the two, with the ש on the tefillah worn on the head, complete the name שדי and establish the whole

entity of man, dedicated in Jewish thought and deed to the service of Him Who declared to Abraham:

אני א' שדי הההלך לפני ה'יה תמים, 'I am God Almighty; walk before Me, and be thou whole-hearted' (Gen. xvii, 1).

274 The tefillah for the arm is put on first, and only after that do you put on the tefillah for the head, just as the determination to give practical effect to what is conceived in the mind must be a condition precedent if the thought that is in your mind is to have any value and any worthwhile result (נעשה ושמוע). Indeed, the Torah can be comprehended and fulfilled only if one makes up one's mind to reach out to the recognition that in it is life—and to prepare oneself for that life. The goal of your knowledge must be to translate it into action; but while in the world of action the goal comes last, in spiritual life it must be the inspiring cause since it directs the strivings of the spirit (O. Ch. 25). When taking the tefillin off you do not leave the tefillah on the head by itself—because thought without action has little value—you take off the tefillah for the head (תפילין של ראש) first and then the tefillah worn on the arm (O. Ch. 28). Nevertheless, the dedication of the mind (*i.e.*, the faculty of thinking) and the dedication of the heart and of the hand (*i.e.*, life in action) are two *mitzvot*; and he who, because he is crippled or because of other reasons, is hindered from putting on both tefillin should nevertheless act in the best prescribed way.

275 The tefillin (from the same root-derivation as התפיל—to judge) tell you by their very name that they must achieve for you a submission of your inner self to God through the clarifying influence of a sound judgment of the ultimate values of life; that the content of the *parshiyot* (the Scriptural passages contained in the tefillin) must be taken to heart in addition to the mere act of putting the tefillin on (O. Ch. 25). Originally, it was intended that the tefillin, as symbols of sanctification, should be our escorts all day, but the decline of our times, which made it unlikely that the average Jew would be, for the duration of the whole day, in the elevated frame of mind appropriate for the tefillin, made it necessary to restrict the wearing of the tefillin to a period of the Morning Divine Service, which latter serves of itself as the introductory sanctification to one's daily tasks. The tefillin must be worn quintessentially during K'riath Shema and Shemoneh Esreh.

On ordinary days they are taken off after קדיש עלינו, on Rosh Chodesh before מוסף; on the days of Chol Hamo'ed before הלל; on the days of the Chol Hamo'ed of Pesach, by the Reader, after הלל.¹

¹ On the first day of Chol Hamo'ed Pesach some communities follow the *minhag* of not removing the tefillin until after the Reading of the Law because the Scriptural passage read on that day (Exod. xiii, 1-16) makes reference to the tefillin.—*Ed. Note.*

Tefillin

Sabbaths and Yamin Tovim, which in themselves are elevated days and act as symbols (אמ) and constant reminders of the special relationship between God and Israel, render tefillin supererogatory, and so tefillin are not put on on those days. On the days of Chol Hamo'ed they are put on without a *berachah* (O. Ch. 31). He who does all his work or just naturally writes with his left hand must wear the tefillah upon his right arm; if he is ambidextrous or if he writes with his right hand only he must wear them upon his left arm. The tefillah worn upon the head should be uncovered, that upon the arm may be either covered or uncovered (O. Ch. 27). During the whole time that you are embraced in the tefillin you must be mindful of them and you should renew your mindfulness by touching them now and then (O. Ch. 28). The rules concerning the writing of the tefillin, their material, the manufacture of the *bathim* and *retzuoth*, are all Sinaitic laws of Moses (oral tradition, based on *הלכה למשה מסיני*); about this see O. Ch. 32-36.

Among the *mitzvot* there is none which, if rightly fulfilled, sanctifies 276 you anew every single day and raises you and hallows and equips you with Divinely given strength to live the true life in the service of God, as a Jew, as do the tefillin. The mind which you dedicate to God through the tefillin cannot become the abode of lies, deceit, cunning and malice. The heart which you sanctify to God through the tefillin cannot shrivel into self-seeking or become debased with pleasure-seeking. It must open up to an all-embracing love and dedicate itself in purity to the temple of the All-holy. And, finally, the hand which you have sanctified through the tefillin as an instrument for serving God in your actions—can you stretch it out in treachery to the happiness and peace of a brother? Happy are you if you never put on the tefillin without proper meditation, nor wear them without due thought; happy are you if you sanctify your mind, your heart and your hand to your God in heaven with sincerity, and if you prepare yourself to live the Jewish life in the true Jewish spirit; happy are you if you realize this your task and plan to live for its fulfilment alone. Thus the tefillin equip you for the battle of life and beckon you to victory. Happy would we be if we could wear them all day; if we dared wear them all day; this would evoke in us physical cleanliness, purity of thought and a continuous appraisal of the tefillin—otherwise, wearing them would be a lie and desecration. In order to avoid this—because we cannot trust ourselves to fulfil all the lessons of the tefillin—we wear the tefillin only during Divine Service in the morning, and everyone must wear them during the ש"ע (Shemoneh Esreh) and the ק"ש (K'riath Shema) and throughout this time must keep his body clean, his thoughts pure and his attention undisturbed, remembering that the binding of the tefillin upon his bare skin has the force of inscribing the Name of God upon his person (O. Ch. 37).

Anyone who cannot keep his body clean or his attention undisturbed because of illness or who, even during the short time that he is wearing the tefillin, cannot achieve purity of thought, should not put on the tefillin; similarly, too, he who, because of suffering or trouble, cannot with reason acquire a calm spirit which would render his devotions unbroken. For mourners see para. 314. The tefillin must not be handled disrespectfully, nor may anything disrespectful be done in their vicinity unless they are enclosed in a double container (O. Ch. 40). At the performance of one's bodily functions the tefillin must be kept at a distance; also, when asleep you must not wear the tefillin (O. Ch. 44).

39

TZITZITH

צִיצִית

And the Lord spoke unto Moses, saying: 'Speak unto the children of Israel, and bid them that they make them throughout their generations fringes in the corners of their garments, and that they put with the fringe of each corner a thread of blue. And it shall be unto you for a fringe, that ye may look upon it, and remember all the commandments of the Lord, and do them; and that ye go not about after your own heart and your own eyes, after which ye use to go astray; that ye may remember and do all My commandments, and be holy unto your God. I am the Lord your God, who brought you out of the land of Egypt, to be your God: I am the Lord your God.'

NUM. XV, 37-41.

Thou shalt make thee twisted cords upon the four corners of thy covering, wherewith thou coverest thyself. DEUT. XXII, 12.¹

277 We have already seen above (chap. 4) that if we allow ourselves to be guided only by what we understand through our mental faculties or by the material things we see with the eye we shall easily be led to a denial of God by the former and to a debasement of our pleasures by the latter—both will lead us to idol-worship. In the physical world that we see around us, God does not appear to us as a visible being nor are our senses today witness to the factual revelation that took place in the past; furthermore, in the material world in which we live, the desires of our animal passions find favourable means which aid and abet them and not

¹ Cf. also S. R. Hirsch in his *Commentary on the Pentateuch*, on the passages quoted, and in his essay 'Symbolism in Jewish Law,' *Collected Writings*, Vol. III, pp. 329ff.—*Ed. Note.*

the principles which should regulate them and circumscribe them and sanctify them to the glory of man. And so it is that without Torah you regard any inner urge calling you to something higher as foolish and fanciful, and you place yourself on a level with the animal and the plant, wooing the plant and straining after the animal, with the result that you soon deify yourself and those people or things that ladle out to you the pleasures which you court and which enable you to acquire what you have been straining after. But God does not wish you to follow the course prompted by your heart or your eye, and so He has given you a means whereby in the present, visible world you will always have a visible reminder of God—Himself invisible—a present reminder of His law given in the past. It will remind you also that the animal within you strives only to find gratification in things visible and material and that therefore your relationship with Him Who is invisible, your election by Him Who is invisible, and the word of the Invisible revealed in the past have imposed upon you a higher obligation—in short, a means which directs your attention from the visible to the invisible and brings the past palpably before you in the present. This means is tzitzith (צִיצִית); indeed, it is called צִיצִית from the root meaning 'to appear in visible form.'

On the Sabbath day, upon which the tefillin, and with them their sacred 278 lessons, do not obtain; in the open, where there cannot be the mezuzah and all that it evokes—in the wide, unrestricted vista of the world perceptible only to the eye and the heart—one of Israel's sons allowed himself to be dragged down and derided the Sabbath and the sanctities it connotes, which live in the thought and in the spirit.¹ Then did God command² that tzitzith be entwined in the corners of your four-cornered garments—fringes instituted by Him for the physical eye to behold as a reminder of His commandments. Thus when the sensitive eye and the sensitive heart of man wander out into the visible world, and are then thrown back upon themselves, they find the human garment—the first visible characteristic distinguishing man from beast³—reminding man of his superiority over brutishness and making him aware of the existence of the Invisible One and His word, and recalling vividly God, human dignity and the mission of Israel. The tzitzith will

¹ See Num. xv, 32–36.

² The Biblical passage containing the laws of tzitzith follows directly after the incident of the public desecration of the Sabbath narrated in Num. xv, 32ff.—*Ed. Note.*

³ Cf. Gen. ii, 25 and iii, 21. Only after man had sinned by giving in to his sensual desires did the feeling of 'shame' at his wickedness arise and he was given a garment. The human garment is thus not only the mark distinguishing man from beast, but a reminder for man both of his inclination to sin and his moral power to overcome this inclination. Cf. S. R. Hirsch, 'Symbolism in Jewish Law,' *Collected Writings*, Vol. III, pp. 325ff.—*Ed. Note.*

help you to raise yourself above the world envisaged by the senses and to dedicate your natural senses to the service of Him Who is beyond conception and invisible, Who set you into the visible world as a reminder of Himself through your fulfilment of His word. You must remain holy unto God, Who led you out of Egypt in order that He be your God, and He, the Unique One, alone abides as your God. The tzitzith remind us of God and His law; they are knotted to our garment as a warning in our quest of the world and its bearing upon us 'that ye go not about after your own heart and your own eyes.'¹ Did not the first garment come to man as the result of the first sin in which, following his sensuality, he called what God had forbidden to him 'good for food, a delight to the eyes, to be desired to make one wise'—טוב למאכל תאוה לעינים נחמד להשכיל (Gen. iii, 6). And so the garment proclaims a warning to us for all time: לא תתורו אחרי לבבכם ואחרי לא תתורו אחרי (Num. xv, 39).

- 279 The essence of the injunction about tzitzith is, in accordance with God's command, to make fringes on all four sides of a four-cornered garment in the corners thereof. On garments—because the essential purpose of a garment is the covering up of the animal element in man's body, leaving only those limbs bare which are primarily organs of human activity—namely, the face and the hands. Tzitzith are thus the affirmation of man's God-given mission, so that man's superiority over the beast does not appear to him just a man-made institution created of his own free will or by some sinful deviation from Nature. Rather did God Himself give the first man the first garment and taught him to conceal the animal part of himself as protection against his brutalization (Gen. iii, 21). The tzitzith must be on all four sides reminiscent of the directions of the world and your own directions in the world so that when you glance to the east or the west, the south or the north, you have in mind God's law.

Fringes: these are of no use as a covering for the purposes of clothing oneself. You will therefore ask yourself: 'What are the threads for?' and so you are spontaneously led to God's law; and, by this reflection, God and His law are brought to your mind and through the affirmation of the revelation of His law you affirm the existence of God Himself. The tzitzith, therefore, should be placed in the corners, as not being an integral part of the garment, and thus serving as a reminder of God and His law; 'that ye may look upon it and remember all the commandments of the Lord and do them.'

- 280 Wool and flax are regarded everywhere in the law as the only natural clothing material; all other materials, though thread-producing, are

¹ See chapter 4.

regarded as decorative. The characteristic feature of the tzitzith becomes patent, therefore, only in woollen and linen threads, which, as threads, are unsuitable for any natural purpose and can have only a symbolical significance. Other materials, on the other hand, do not as threads lose the natural, decorative purpose for which they were intended. However, in the case of garments made from these other materials, the material generally used has acquired primarily a utility for clothing and therefore upon them threads of the same material are valid for tzitzith. Hence the rule: woollen and linen threads are valid upon all garments for the purpose of tzitzith; silk, cotton, etc., only on garments of the same material. For the same reason, probably, the tzitzith threads should as a rule be of the same colour as the garment so as to avoid the appearance of decoration. For statutory reasons woollen garments with woollen tzitzith are preferable to all others for the fulfilment of the duty of tzitzith. Linen with wool and wool with linen are, because of *שענתו* (para. 406), not lawful for use (O. Ch. 9).

The purpose: To remind the eye, which perceives that which is present and visible, that those things which are invisible and past and which exist beyond the ken of what is visible and present also have reality. To achieve this more completely there should be in the tzitzith, according to the injunction of the Torah, threads of *techeleth* wool (*תכלית*) which remind us, in colour and in name, of the invisible. In colour: blue, a colour in which everything lying within the limits of our range of vision becomes apparent to us. In name: *תכלית*, which itself means nothing else but 'end' or 'limit.' We lack the material today for the *techeleth* colour. In our white tzitzith, therefore, their significance is to a certain extent met by the special number of thread-windings and knots prescribed. The thread-windings are thirty-nine in number, equal to the numerical value of the letters of the words *ה' אחד*,¹ reminding us of the Invisible Unique One. The number of threads, eight, and the number of knots, five, added to the numerical value of the letters in *ציצית* (600), gives a total of 613, which is the sum-total of precepts, positive and negative, and so the law revealed in the past is made real to us in the present. 281

Four threads are drawn through a hole in the corner of the garment. The hole must not be more than three thumb-breadths away from the edge of the garment either in its length or its breadth; and it must be at least the length from the upper thumb-joint to the tip of the nail from the edge. These threads, hanging down in two rows, thus give us eight threads. These, divided as they are into two rows, are tied 282

¹ The letters comprising the Unutterable Name, taken by their full numerical value of 26, plus the numerical value of *אחד* = 13.—*Ed. Note.*

together with double knots; then one thread, which is purposely longer, is wound round the remaining seven and once again a double knot is tied. This is repeated until there are in all five double knots and four intervening spaces. On the intervening spaces it is always the longer thread that is wound round; and, following the numerical considerations mentioned above, in the first intervening space, seven times; in the second, eight times (according to some views, nine times); in the third, eleven times; and in the fourth, thirteen times. They hang from each side first in the direction from hand to hand and then downwards (O. Ch. 11). Together they should be at least twelve thumb-breadths in length—namely, four for the knots and intervening spaces and eight for the rest (O. Ch. 11).¹ A borrowed garment does not require tzitzith—after thirty days it requires tzitzith according to Rabbinic law only. However, if the borrowed garment already has tzitzith on it, the blessing may be recited upon it straight away (O. Ch. 14). The garment must be at least three-quarters of an ell long and one half of an ell wide (O. Ch. 16). Only a garment which is designed for covering the body and which has four corners, two in front and two behind, must have tzitzith; and so garments of our European cut need not (O. Ch. 10).

- 283 In all *mitzvot* (religious obligations) coming within the category of *edoth*, the underlying concern of the precept is that you should not regard as the end-purpose that which is ordained only as a symbol and achieves its end only by the significance it bears and by a comprehension of it; and furthermore, that you should not consider that you are fulfilling the *mitzvot* merely by having the external representation or instrument before you. And so the rule is always: everything essential for the full understanding of a symbol must be presented at a time when it really is already in a position fully to indicate the part it serves in the significance of the symbol; and not at a time when one of the prerequisites for this is lacking and only later, when this prerequisite is forthcoming, is the thing regarded retrospectively as a meaningful symbol (תעשה ולא מן העשוי).

So, for instance, the סכך for the sukkah must not, at the moment when the roofing is being prepared, still remain fixed in the earth and be separated from it subsequently. Similarly here too, at the moment when you tie on the tzitzith, all conditions attaching to them as well as to the

¹ In his fundamental essay 'Symbolism in Jewish Law,' to which the attention of the reader has already been drawn, S. R. Hirsch gives the following symbolical explanation: The tzitzith consist of two parts: עניק and גזיל, the part which is bound and the part which is hanging down freely. Thus the moral teaching is expressed that man can only be really free when he controls and 'binds' himself, i.e., when he subjects himself to the moral law. That part of the tzitzith which is bound makes up one-third, whereas the threads which hang down freely make up two-thirds of the length of the tzitzith. This expresses the fact that Jewish law provides for more freedom than restriction.—Ed. Note.

garment must be fulfilled, e.g., one must not draw through one thread eight times, tie it up in knots, and then cut it into eight threads, or bind tzitzith upon a three-cornered garment which gets its fourth corner only later on, etc. The tzitzith, therefore, must be spun and twisted for their use as tzitzith and must be tied on for this purpose. The wool, furthermore, must not be brush-wool or wool-waste (O. Ch. 11, 14).

Tzitzith, which has been given to us as a protective reminder in our intercourse with the vulgar, mundane world, is designed only for the period of this intercourse—namely, day-time. Therefore the *berachah* over tzitzith should not be pronounced before daybreak; the proper time is when objects appear distinctly and blue threads can be distinguished from white ones (O. Ch. 18). Wrap yourself up in the tzitzith garment, first round the head and then round the body, and pronounce the *berachah* standing, as soon as you have washed your hands early in the morning. Put the tzitzith round you so that two tzitzith are in front and two behind (O. Ch. 8). For a blind man tzitzith also applies as a tangible reminder in the world accessible to him by his sense of touch (O. Ch. 17). Tzitzith and tallith, although they possess no sanctity in themselves, should nevertheless not be used in an undignified manner even when they have become unserviceable, because they were at one time used for a *mitzvah* (O. Ch. 21). 284

God gave you the tzitzith as the means for a lesson; but He left the use of them to your own free will. He pledged you, when you wear a garment with four corners, to provide it with tzitzith; but He left it to you whether or not you wished to wear such a garment—probably so that you should first feel the need for it yourself and so grasp the means with all the more joy, thereby rendering it more meaningful to you at all times.¹ But who would not rejoice that the precept itself was given to him as a cogent help? Who, conscious of the battle with sensuality and 285

¹ Cf. S. R. Hirsch's *Commentary* on Numbers xv, 38, and his essay on 'Symbolism in Jewish Law,' *Collected Writings*, Vol. III, pp. 318-48 (especially pp. 347 and 348). From the wording of the Hebrew text in Numbers xv, 38: וַעֲשׂוּ לָהֶם צִיצִית and not וַיַּעֲשׂוּ לָהֶם צִיצִית, as one would have expected (cf. Exod. xii, 3; xxv, 2), it appears that the *halachah* does not command us to wear garments of four corners; only *if* we wear such garments must we wear tzitzith on them. This suggests that Moses was bidden to explain the meaning of tzitzith in such a way that the Israelites would make themselves tzitzith of their own volition. The spirit of tzitzith should be the result of moral conviction and not of a forced commandment. וַעֲשׂוּ לָהֶם צִיצִית means, therefore, 'Explain the Torah in such a way that Israel will make themselves tzitzith of their own free will.' In general terms, tzitzith are a symbol of what is called in ethics *moral autonomy*, the highest ethical standard, when man acts from inner conviction and not from outward force. In this connection it is also interesting to note that the *Sifré*, one of the oldest halachic Midrashim, explains the fact that the *פרשת ציצית* ends with the words 'I am the Lord your God, Who brought you out of the land of Egypt, to be your God,' by adding the comment that the redemption of our people from Egypt aimed at transforming a nation of slaves into morally free men.—*Ed. Note.*

his own sensual nature, would not grasp the staff which stands by him in the battle, directs his glance upwards and upholds God and virtue for him? Well would it be for us if custom permitted us to wear in the whole of our daily life an upper garment in which tzitzith became obligatory. For, probably, nowhere do we need the lesson of tzitzith more than exactly in our working life, where things sensual are around us, the milieu of our activities is the gross, earthy world, and the aim of our strivings prompted by a concern for things sensual in Nature. But just as, for other reasons, tefillin, instead of being an accompaniment for the whole day, were limited to the time of Divine Service, so also tzitzith remained in its full significance upon the upper garment only during the Divine Service, and as a permanent accompaniment only on the under-garment.

During the time of the reading of the Shema, the tzitzith should be taken in the left hand and during the *פִּרְשֵׁת צִיצִית* in the right hand. At *וּרְאִיתֶם אוֹתוֹ* one should look at the tzitzith. After having looked at them, some pass the tzitzith gently to their lips, as a sign of devotion and joy for the means of ennoblement by the law of *צִיצִית* bestowed upon us. The tzitzith should be held in one's hand until *נֶאֱמָרִים וְנֶחֱמָדִים* (O. Ch. 24). Anyone who stands before the congregation as Reader, or for *קִדִּישׁ*, etc., should be wrapped in the tzitzith; but if it is not yet the time for tzitzith no *berachah* is said.

- 286 Who, after having pondered the significance of tzitzith, cannot apprehend the meaning of the pronouncement of our Sages: 'He who observes the duty of tzitzith well will reach to behold the face of the Omnipresent God'? (O. Ch. 24). Concerning all other relevant details of the laws connected with tzitzith, study O. Ch. 8-24.

MEZUZAH

מְזוּזָה

HEAR, O ISRAEL: THE LORD OUR GOD, THE LORD IS ONE. And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy might. And these words, which I command thee this day, shall be upon thy heart; and thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thy house, and when thou walkest by the way, and when thou liest down, and when thou risest up. And thou shalt bind them for a sign upon thy hand, and they shall be for frontlets between thine eyes. And thou shalt write them upon the doorposts of thy house, and upon thy gates. DEUT. VI, 4-9.

And it shall come to pass, if ye shall hearken diligently unto My commandments which I command you this day, to love the Lord your God, and to serve Him with all your heart and with all your soul, that I will give the rain of your land in its season, the former rain and the latter rain, that thou mayest gather in thy corn, and thy wine, and thine oil. And I will give grass in thy fields for thy cattle, and thou shalt eat and be satisfied. Take heed to yourselves, lest your heart be deceived, and ye turn aside, and serve other gods, and worship them; and the anger of the Lord be kindled against you, and He shut up the heaven, so that there shall be no rain, and the ground shall not yield her fruit; and ye perish quickly from off the good land which the Lord giveth you. Therefore shall ye lay up these My words in your heart and in your soul; and ye shall bind them for a sign upon your hand, and they shall be for frontlets between your eyes. And ye shall teach them your children, talking of them, when thou sittest in thy house, and when thou walkest by the way, and when thou liest down, and when thou risest up. And thou shalt write them upon the doorposts of thy house, and upon thy gates; that your days may be multiplied, and the days of your children, upon the land which the Lord swore unto your fathers to give them, as the days of the heavens about the earth. DEUT. XI, 13-21.

The Biblical passages **שמע והיה אם שמע** should be written upon the 287
entrance of every house, thereby hallowing the house (and indeed every place specially set aside for human activities) as an abode where God is ever present and where the service of God is fulfilled; thus testifying that all one's life, all that one endures, is accomplished through God—your deeds as a striving to God; and your burden—namely, all that happens to you in life, as emanating from God. That is the lesson of the obligation of mezuzah.

288 Both these passages were selected for these purposes. שמע expresses what it is your duty to do, and so sanctifies whatever is done by you, that is, whatever emanates *from* you. והיה אם שמע expresses your destiny in life and so dedicates whatever you have to bear in life, that is, whatever comes *to* you.

289 שמע on the doorpost at the entrance of your house proclaims your duty; the Unity of God; the devoted striving towards the Unique One with all that is yours; that you will fill your heart and soul with the spirit of the Torah; that you will implant these, by instruction in the home, in all who will come after you; that you will fulfil these in thought and feeling, in word and deed.

It teaches you the meaning of your domestic life and dedicates your house as a temple of God and your whole way of life as a service of God.

והיה אם שמע: This teaches you your destiny: the fortunes and misfortunes of your people, and with them your own are dependent upon nothing else than the fulfilment or non-fulfilment of the lessons in the שמע. These are: In a time of good fortune, a warning not to destroy it by arrogance, dissoluteness, and ungodliness; in a time of misfortune, a warning to give effect, even amid the deepest misfortune, to the lessons in the שמע, without deviating from them in any way and to fulfil them whatever befalls, be the circumstances happy or straitened.

It teaches you to recognize God as the Dispenser of all that happens to you, and the fulfilment of your duties as the basis of your fortunes, and that in good fortune or misfortune only the scene of action is changed—its external manifestation. Your task remains the same!

290 For regulations governing the writing of a mezuzah, see Y.D. 288. Nothing may be added to what is inside. It is customary to write on the outside שדי, *i.e.*, 'Sovereign Providence hidden in Omnipotence,' so as to awaken in your soul continuously the consciousness of the invisible God Who watches over you and guides your destiny. There are also written on the outside of the mezuzah the letters כוון an esoteric sign, the meaning of which is 'HaShem, our God is HaShem!' Every entrance with posts at least ten *tefachim* high and a lintel, and which leads to a place enclosed by four walls and covered at least for the first four cubits nearest the entrance and which is intended for clean human activities, must have a mezuzah. Every place which bears a religious purpose, as, for example, a House of Worship, already carries its sanctification in its very name and therefore does not require a mezuzah. Every place applied to some unclean function which as a rule is intended for human habitation but wherein unclean occupations do occasionally take place, has a mezuzah, but it should be covered. Wherever there is a fear that wanton use will be made of the mezuzah, a mezuzah should

not be affixed. Except in the Land of Israel, a rented house or room comes under the obligation of mezuzah only after thirty days (Y.D. 286, 287). The mezuzah is rolled up from left to right so that שמע is at the beginning, at the extreme right (Y.D. 288). It is fixed upon that doorpost which is on the right of the person who enters, in the outermost *tefach* of the post on the upper third of its height, at least one *tefach* from the lintel (in the case of doors which are too high, level with a man's shoulder), within the doorway (Y.D. 285, 289). It is affixed in a slanting position, the upper part inclined away from you and the lower towards you, and upon the scroll itself שמע lies upwards (Y.D. 289). Mezuzoth in private houses should be inspected twice in seven years and in public places twice in fifty years, to see whether they have become invalid. A tenant is in duty bound to have mezuzoth affixed and he does not take them with him when he moves out if, when he leaves the house, it remains in the hands of a Jew (O. Ch. 291). When you enter your house, put your hand upon the mezuzah and remind yourself that you are treading upon consecrated ground. When you leave your house, put your hand upon the mezuzah and commit your house to the protection of Him to Whom it is dedicated (O. Ch. 285).

41

BECHOR

בכור

And the Lord spoke unto Moses, saying: 'Sanctify unto Me all the first-born, whatsoever openeth the womb among the children of Israel, both of man and of beast, it is Mine.' And Moses said unto the people: . . . And it shall be when the Lord shall bring thee into the land of the Canaanite, as He swore unto thee and to thy fathers, and shall give it thee, that thou shalt set apart unto the Lord all that openeth the womb; every firstling that is a male, which thou hast coming of a beast, shall be the Lord's. And every firstling of an ass thou shalt redeem with a lamb; and if thou wilt not redeem it, then thou shalt break its neck; and all the first-born of man among thy sons shalt thou redeem. And it shall be when thy son asketh thee in time to come, saying: What is this? that thou shalt say unto him: By strength of hand the Lord brought us out from Egypt, from the house of bondage; and it came to pass, when Pharaoh would hardly let us go, that the Lord slew all the first-born in the land of Egypt, both the first-born of man, and the first-born of beast; therefore I sacrifice to the Lord all that openeth the womb, being males; but all the first-born of my sons I redeem. EXOD. XIII, 1-3; 11-15.

Thou shalt not delay to offer of the fulness of thy harvest, and of the outflow of thy presses. The first-born of thy sons shalt thou give unto Me. Likewise shalt thou do with thine oxen, and with thy sheep.

EXOD. XXII, 28-29.

All that openeth the womb is Mine; and of all thy cattle thou shalt sanctify the males, the firstlings of ox and sheep. And the firstling of an ass thou shalt redeem with a lamb; and if thou wilt not redeem it, then thou shalt break its neck. All the first-born of thy sons thou shalt redeem. And none shall appear before Me empty.

EXOD. XXXIV, 19-20.

And the Lord spoke unto Aaron: 'And I, behold, I have given thee the charge of My heave-offerings; even of all the hallowed things of the children of Israel unto thee have I given them for a consecrated portion, and to thy sons, as a due for ever' . . . The first-ripe fruits of all that is in their land, which they bring unto the Lord, shall be thine; every one that is clean in thy house may eat thereof. Every thing devoted in Israel shall be thine. Every thing that openeth the womb, of all flesh which they offer unto the Lord, both of man and beast, shall be thine; howbeit the first-born of man shalt thou surely redeem, and the firstling of unclean beasts shalt thou redeem. And their redemption-money—from a month old shalt thou redeem them—shall be, according to thy valuation, five shekels of silver, after the shekel of the sanctuary—the same is twenty gerahs. But the firstling of an ox, or the firstling of a sheep, or the firstling of a goat, thou shalt not redeem; they are holy: thou shalt dash their blood against the altar, and shalt make their fat smoke for an offering made by fire, for a sweet savour unto the Lord.

NUM. XVIII, 8; 13-17.

All the firstling males that are born of thy herd and of thy flock thou shalt sanctify unto the Lord thy God; thou shalt do no work with the firstling of thine ox, nor shear the firstling of thy flock. Thou shalt eat it before the Lord thy God year by year in the place which the Lord shall choose, thou and thy household. And if there be any blemish therein, lameness, or blindness, any ill blemish whatsoever, thou shalt not sacrifice it unto the Lord thy God. Thou shalt eat it within thy gates; the unclean and the clean may eat it alike, as the gazelle, and as the hart. Only thou shalt not eat the blood thereof; thou shalt pour it out upon the ground as water.

DEUT. XV, 19-23.

- 291 When Moses was about to bring to the people the law of the consecration of the first-born, he first repeated to them all the reminders of their deliverance from Egypt which God had instituted in Israel's life so that through them all it might become pellucidly clear that the deliverance was God's work alone. Hence the prohibition of chametz; hence, too, the Passover Festival ever recurring at that period of the year when God reveals Himself in the revival also of all in Nature; and so, too, the duty year in, year out, to perpetuate the Deliverance by word

of mouth. Finally, there are the tefillin, which every moment remind every man in Israel of the Deliverance as the birth of the nation, and, stemming therefrom, of the uniqueness of Israel as God's own, of Israel's special mission and peculiar task in life, and through this the subservience of all the strength in man to the fulfilment of this task. To this end He assigned the duty of consecrating to God the male first-born among man and cattle as another commemoration of the Deliverance from Egypt and more particularly as a reminder of the hour of the Deliverance.

That hour, the only one in the whole course of history which revealed 292
God as bearing the destinies of all the nations in His hands, aye, as calling a nation into existence among the nations by His almighty 'Let it come into being'—that very hour which showed God creating a new national entity, showed the same Almighty One punishing a people through its most precious lives. The last glimpse which departing Israel cast upon Egypt allowed Israel, young in bloom, to behold it, the old nation, mighty in its devices and rich in numbers, mourning the crushing of its most beautiful living blossoms as the result of its not recognizing God and of its disobedience.

Let us remain firm in the belief, and let us cling to the thought, that 293
from Mother Earth to the life which is dearer to us than our own—the life of our children—everything belongs to God, everything emanates from God and is always in the hands of God. If everything is regarded in this light and is treated in this sense, then will everything in the work of man, presented to him by God as a means to an end, become verdant and blossom forth into a Divine garden, into a Divine sanctuary. But if, in his folly, man clasps things with an iron hand, proclaiming a chilling 'They are mine!' and maltreats them, takes advantage of them, indulges himself with them, dissipates them to suit his own presumptuousness, then will the bloom fade—the sanctuary become desecrated, and life and its beautiful flowering sink into the grave, extinct.

So it is with anything that we possess, but above all with the grandest of 294
our possessions and, thank God, also the dearest which man can have—the child. If you regard the daughter entrusted to you and the son entrusted to you as sacred charges whom you should bring up not for yourself but for God so that they may become a worthy daughter in Israel and a worthy son in Israel—if you allow this thought to dominate your whole treatment of your children—their upbringing, their protection in body, in heart and in mind, their education, their vocational training, their complete equipment for their future living—then indeed will you achieve God's blessing and you will raise, through your sons and your daughters, true men and women in Israel imbued with God's spirit,

endowed with God-given strength to lead a holy life as man and Israelite. If, however, you rave over your children 'They are mine!' and, where you should behold them as human and, in addition, Jewish offspring, you see instead your daughter as a future housewife or business-woman or as an attractive beauty and wit or brilliant in her knowledge, as one who should be a source of support and joy and honour for you—or, especially in the case of your son, if instead of educating him for the one all-embracing purpose connoted in the designation 'man and Israelite' (*Mensch-Jissroel*, 'Israel-man') you seek only a mercenary dividend in your efforts for him and bear in mind only the designations: business-man, craftsman, artist, scholar—and you allow all the sublime that is connoted by the term 'man and Israelite' to be superseded by commercial terms—then please do not speak of the heavenly blessing of children, of parental reward in their children's well-being; speak rather of heavenly curse and of parental sin against children. You have destroyed the title 'Israelite' in the child.

You can apply these thoughts both to the noblest of your possessions and to those which may be of least concern to you—and may the lesson of the survival of your people help you to decide wisely in your choice between the curse and the blessing.

- 295 Now, since you have learnt life's real meaning by the lesson of Egypt's downfall as the result of its presumptuousness and perverseness, and from your own ever flourishing growth due to your complete surrender to God, you should proclaim it aloud and by patent and overt deed become imbued with it yourself. Thus: 'Every child in Israel and everything held in Israel is consecrated by God and is God's own. It is only by the grace of God that you have a right to anything and so it is His will alone that should be the law unto you in your treatment of all that exists, living and inert.' You give practical expression to this thought in the first and finest of what you possess either (1) by dedicating it to God, *i.e.*, you withdraw it from its customary usage and devote it entirely to such purpose as is designed to secure reverence for God amid Israel; for Israel is a holy people and a kingdom of priests (see chap. 118); or (2) you, as it were, buy yourself the right to use it for your own purposes by redeeming it from its original intent; or (3) you render it impossible for your use by destroying it.

- 296 In the case of immovable property—namely, the soil (of the Holy Land), which, according to the law of the Torah, can never pass completely into private property and therefore remains public property¹—we see

¹ 'Public property,' in the State of the Torah, means in reality the property of God (כִּי לֵי בְּלִיָּדָה). In the Commonwealth of the Torah (I hesitate to use the term 'Theocracy' because of its wrong connotations) there exists no public ownership of land in the meaning of the term as it is applied in modern legal systems.—*Ed. Note.*

a similar dedication to that of **חלה** and **בכורים** in **תרומה** in **בכור** (see chap. 42). For movable property, which of course is capable of unrestricted private ownership, we find its dedication in **בכור בהמה** and **בכור אדם**;¹ both are at the same time memorials of deliverance.

(I) **בכור אדם**: Human (male) first-born. You must, as it were, first buy the right to bring him up as your own by redeeming him.

(2) **בכור בהמה טהורה**: The firstling of clean cattle. This had to be given to the *kohen* as his property and he had to offer it up as *שלמים* (see Section VI) if it was without blemish, or, if it had a blemish, he could use it as his own property.

(3) **פטר המור**: The firstling of an ass. You must first buy by redemption the right to use it or else avoid all possibility of using it by having it killed.

In **בכור בהמה טהורה** you contemplate all your children; in **בכור חמור** all your movable property designed for your personal benefit; in **בכור אדם** all your movable property which serves your human requirements as implements; otherwise, the three institutions express the same ideas—namely: ‘And also after all this has come to you by the hand of God, you have acquired no lien on it for yourself but you should and must administer it as something holy, entrusted to you only for the fulfilment of the will of the Giver.’ This fundamental principle permeating the whole life of Israel you learnt in awe at the hour of Israel’s birth.

בכור אדם: The duty rests upon every man in Israel to redeem his first-born son with five *shekalim* of fine silver. The duty does not devolve upon the mother. These five *shekalim* are given to the *kohen* in money or in kind but it must belong to the category of movable property and must have real value in itself; therefore land, paper money, bills of exchange, etc., are invalid for this purpose. The money must be given to the *kohen* as his property absolutely; he is, however, free to give it back as a gift. The boy must be thirty days old and he is redeemed on the thirty-first. If this coincides with Sabbath or a festival, the redemption takes place on the weekday immediately following. If he is not redeemed by his father, the duty of redemption rests upon himself as soon as he comes of age. But it is better that the communal authorities straightway effect the redemption in place of the father, otherwise it might be forgotten. The boy must be the first offspring of the mother even if he is not the first child of the father. 'Kohanim' and 'Levites,' who took over the *Avodah* in place of the first-born after the sin of the Golden Calf (see Section VI), are absolved from the duty of redemption, even if it is only the mother who is the child of a *Kohen* or a *Levi* (Y.D. 305).

¹ Hebrew footnote by author: צִיָּה, דִּישׁ עֵינֵי בָּכוֹר בְּהֵמָה שְׁתּוּרָה שְׁתּוּרָה בְּאֶרֶץ, דְּבָכּוֹר בְּחֵל אֵעִים. שְׁתּוּרָה קָדֵשׁ וְאִסּוּר בְּנִיחָה וְעִבּוּדָה אֵינֶה קָרִיב בְּאֶרֶץ אֲלָא נֶאֱכַל בְּמוֹמֵן לִכְתּוֹ. עֵינֵי תְּמוּרָה כִּיָּא בִּי.

298 בכור בהמה טהורה: Whenever the firstling of cattle, sheep or goat is male, you must declare it as holy and give it to a *kohen*. You must let it grow to thirty days in the case of small cattle, and with big to fifty days, and if there is no *kohen* you must keep it until you meet one. Nowadays the *bechor* must then be fed until it may get such blemish as may render it invalid as an offering. This blemish must be acknowledged by three experts and the animal may then be slaughtered and eaten. Its skin and any wool upon it may be used, but only, if it is in the first year, before the passing of one lunar year of twelve or thirteen months from the eighth day of its birth, or, after the first year or at the end thereof, within thirty days of the appearance of the blemish (Y.D. 306, 308). If the animal is suffering from a מום (*moom*), i.e., a bodily blemish or defect, it must not be used like any other animal or meat; it must not be sold at the meat market, nor weighed against weights, etc. If it turns out that the animal is טרפה, it is completely—flesh and skin—forbidden for any beneficial use and it must be buried all wrapped in linen in such a way that there is no fear of its being exhumed (Y.D. 306, 307). No *bechor*, even if it has a מום, may be shorn, or made to work. Wool which has been shorn from it or which has fallen off it is *assur* (prohibited for any beneficial use) and if it becomes mixed with other wool the whole becomes *assur* (Y.D. 308). Nowadays it is only the experts who may grant permission for beneficial use in cases of undoubted open bodily defects—for directions see the *Tur Shulchan Aruch*. One may not inflict any injury upon the *bechor*, directly or indirectly; and if a blemish has thus been inflicted illegally upon the *bechor*, the animal must not be used (Y.D. 313). Every animal about which there is a doubt whether it is a *bechor* or not must be fed as though it were a *bechor* until it gets a מום, and then it belongs to its owner unless and until the *kohen* produces proof that it is a *bechor*. Animals belonging to *kohanim* and Levites also come under the obligations of *bechor*; the *kohen* must rear the animal until it gets a מום (Y.D. 315, 320). Only when the ewe and its young belong altogether to one or more Jews at birth does the obligation of *bechor* apply. But if a non-Jew has some material interest, even if only a thousandth part, in the ewe or its young, it is free from the obligations of *bechor*. If his part is limited to one limb it must be a limb such that if it were removed the animal would become *trefah* (chap. 68); at the very least, the part when removed must cause a מום. Nowadays, when the right of offering up the *bechor* does not exist (see chap. 118) and the duty of rearing the *bechor* may easily be neglected, it is an obligation to give some part of the ewe to a non-Jew before she gives birth to the firstling so that the firstling about to be born does not become a *bechor*. This is done by a formal purchase, i.e., the non-Jew must make a money payment, in exchange for which the Jew must hand over to him the property in a limb of the ewe upon which its life

depends, such as, *e.g.*, the lung, heart, head, etc., and this sale must be effected by the form of acquisition called *משיכה*, *i.e.*, by drawing the animal to himself from its erstwhile position. If the non-Jewish person is not present, the Jew must make over to him the place where the animal was (or is) standing as his property for the purpose of his acquiring the animal (Y.D. 320).

פטר חמור : If the firstling of a she-ass is a male, you may not use it before 29
you have redeemed it with a lamb or with the full value of a lamb. After it has been redeemed both are free for any use, the ass for its owner, the lamb or the redemption money for the *kohen*. If you do not redeem it, you must have it slaughtered by an axe in the neck. *Kohanim* and Levites and also *kohanoth* and *Leviyoth* do not come under the obligation of redeeming. In the case of joint ownership with a non-Jew the appropriate laws of *בהמה טהורה* apply. Similarly, too, in the case of joint ownership with a *kohen*. You must not, however, enter into such joint ownership in order to evade the duty of redeeming, as you can still discharge the duty of redemption fully in these days, when there is no Temple (*cf.* para. 298). In doubtful cases the male ass should be redeemed with a lamb and both animals may be kept by the owner (Y.D. 321).

CHADASH, ORLAH, CHALLAH

חדש, ערלה, חלה

And the Lord spoke unto Moses, saying: 'Speak unto the children of Israel, and say unto them. When ye are come into the land which I give unto you, and shall reap the harvest thereof, then ye shall bring the sheaf of the first-fruits of your harvest unto the priest. And he shall wave the sheaf before the Lord, to be accepted for you; on the morrow after the sabbath the priest shall wave it. And in the day when ye wave the sheaf, ye shall offer a he-lamb without blemish of the first year for a burnt-offering unto the Lord. And the meal-offering thereof shall be two tenth parts of an ephah of fine flour mingled with oil, an offering made by fire unto the Lord for a sweet savour; and the drink-offering thereof shall be of wine, the fourth part of a hin. And ye shall eat neither bread, nor parched corn, nor fresh ears, until this selfsame day, until ye have brought the offering of your God; it is a statute for ever throughout your generations in all your dwellings.'

LEVIT. XXIII, 9-14 [cf. also S. R. Hirsch's Commentary on the Pentateuch, ad loc.—Ed. Note].

And when ye shall come into the land, and shall have planted all manner of trees for food, then ye shall count the fruit thereof as forbidden; three years shall it be as forbidden unto you; it shall not be eaten. And in the fourth year all the fruit thereof shall be holy, for giving praise unto the Lord. But in the fifth year may ye eat of the fruit thereof, that it may yield unto you more richly the increase thereof: I am the Lord your God.

LEVIT. XIX, 23-25.

And the Lord spoke unto Moses, saying: 'Speak unto the children of Israel, and say unto them: When ye come into the land whither I bring you, then it shall be, that, when ye eat of the bread of the land, ye shall set apart a portion for a gift unto the Lord. Of the first of your dough ye shall set apart a cake for a gift; as that which is set apart of the threshing-floor, so shall ye set it apart. Of the first of your dough ye shall give unto the Lord a portion for a gift throughout your generations.'

NUM. XV, 17-21.

- 300 Man has no greater enemy than success. So long as you continue to strive for something worthy, so long as you cherish wishes and hopes, so long, indeed, will you cast your glance upwards and in longing to the throne of Him in Whose hands alone lies the fulfilment of your wishes. And so long, too, will you link your thoughts eagerly with those who share with you similar aspirations and who, perhaps for

good, perhaps for bad, through their actual deeds stand between your wishes and their fulfilment as a moderating influence. In short, as long as you continue to wish and to hope and to fear, you will feel you were created by God and are His servant and a link in the chain of mankind. And then, too, not seldom will there be kindled within you a resolve to live according to the will of the Giver, enjoying His gift when it is given to you. But once it is given to you—this gift—and you no longer entertain wishes and fears and hopes, but you are now a proud possessor, then you turn your glance from on high, downwards to earth; your former fellow-feeling shrivels up, and instead of fearing God and loving mankind you idolize yourself and seek your own interests and put these gifts to selfish use.

That is the sin through which the individual falls, nations are brought 301 low, and peoples decline. That is the sin through which Israel, too, sank; for godlessness and depravity always follow in its wake. But this should not be; Israel must not go down and should not have gone down. Holy precept devotes much contemplative thought to this. That we, creatures set in God's world, should not forget that this world belongs to God, and that 'all that therein is' is merely lent to us for an appointed purpose—for this, we have already learned many laws, and to these are now added *chadash* (חדש) and *orlah* (ערלה), which are concerned with man's universal possession of the soil of the earth. As God allotted the earth to man as the stage for his human activities, so did God grant to Israel, which has a distinctive part to play in this world, a special country for its own peculiar task. Israel, however, is a people even without a land of its own. Indeed, it was a people and was called a people before it ever possessed a land; for it is not the land around it which constitutes Israel's national bond; the eternal bond which unites it lies rather in the spiritual ideology which it upholds and in its mission in life, for the fulfilment of which it has received its 'call.' Nevertheless, in externals too, Israel was supposed to be a people among peoples. For this purpose, God gave Israel its own place on the earth for its own special tasks. In order, however, that Israel's land, intended for the realization of Israel's task, should not, through the sin of pride of possession, become the cause of Israel's downfall, God ordained *shemittah* (שמיטה), *yovel* (יובל), *bikkurim* (בכורים), *terumah* (תרומה), *ma'aser* (מעשר), and *challah* (חלה) in connection with Israel's own soil. *Shemittah* and *yovel* affirm God as Owner by right of all property; they also, through the prohibition of work on the land, express for the Holy Land the lesson which Sabbath conveys in connection with lordship of the earth.

We have therefore to examine more closely חדש and ערלה, i.e., the duties of the Jew in connection with man's universal possession of the soil of the earth and also בכורים, תרומה, מעשר, and חלה, in connection

with Israel's possession of the soil of the Holy Land. Among the latter laws we shall deal mainly with חלה, which is still observed in our own day.

302 The sin of pride of possession is twofold:

(1) Denial of God as Lord and as ultimate Owner of your possessions.

(2) Neglect or misuse of your possessions in defiance of God's will.

So, too, the Divine precepts (*mitzvot*), which have been given to prevent these sins, are similarly divided into two categories—namely:

1. Man's universal possession of the soil of the earth. (i) ערלה and חדש;

(ii) נטע רבעי (*neta revai*).

2. Israel's possession of the soil of the Holy Land. (i) תרומה, בכורים and חלה; (ii) מעשר עני, מעשר שני, מעשר ראשון.

303 I. MAN'S UNIVERSAL POSSESSION OF THE SOIL OF THE EARTH

(1) Laws directed against the denial of God as Lord and as ultimate Owner of your possessions:

(a) חדש: You may not eat any of the five types of grain¹ from the harvest of the year, until you have 'waved' one *omer* of it unto God, expressing thereby that you acknowledge that the blessing has come to you from Him.

The offering of this *omer* is appointed for the day following the first day of Pesach, that is, the sixteenth of Nisan. Since the destruction of the Temple—as offerings can no longer be made—the day appointed for the *omer*-offering must first have passed before one may partake of the fresh harvest of any of the five types of grain; for us, therefore, this means not until the eighteenth of Nisan. The *Omer*-day applies only to grain which has already taken root by that day; such as takes root thereafter must wait until the next *Omer*-day. As a rule, it may be assumed with all existing grain that it took root either in the previous year or before the *Omer*. One is therefore permitted to partake of it on the strength of רוב and ספיק ספיקא (the rule of majority and the rule of double doubt); see chap. 71. Nevertheless, the special customs and usages of each community must be taken into consideration (Y.D. 293).

(b) ערלה: From the day that a seed or shoot of a fruit-tree is consigned to the earth with a view to producing fruit, the fruit belongs to the tree for the first three years. You may not take it for yourself, nor may you derive therefrom any enjoyment nor use it either directly or indirectly, but you must leave the fruit for the natural purpose of its

¹ These five kinds are חטים, שעורים, כוסמין, שיבולת שועל, ושיפון, which are usually translated as wheat, barley, spelt, oats and rye. The identity of שיפון is, however, not certain; cf. *Menachoth*, 80a, *Mishnah*. These kinds are identical with the grain from which matzoth may be made for Passover, and which are subject to the duty of חלה. They represent the idea of bread, the real food of man (cf. S. R. Hirsch on Levit. xxiii, 10).—*Ed. Note.*

species and thereby learn not to lose consciousness of the worth of things *per se* as creatures of God—an unawareness which is the result of pride of possession. Thus do you express in deed that you have only the lien upon things which their Creator and Lord bestows upon you temporarily.

Everything pertaining to the fruit comes under this prohibition: husks, kernels, peel, pods. Leaves, however, and all that belongs to the stem are free. For everything that was consigned to the earth before the sixteenth of Av, the second year begins with the first Rosh Hashanah, with the second (Rosh Hashanah) the third, and with the following Rosh Hashanah the three years are ended; but all fruits which nodulate until the fifteenth of Shevat still come under *orlah*. For everything sown and planted after the sixteenth of Av you begin to reckon the first year as from the first Rosh Hashanah and the *orlah* period ends with the fourth Rosh Hashanah. *Orlah* is prohibited in accordance with מסיני הלכה למשה (the Oral Law given to Moses on Sinai) in the Land of Israel as well as outside it, whether the sowing be by a Jew or by a non-Jew and thereby establishes itself, like *chadash*, as being directed not only against the misuse of Israel's possession of the soil of the Holy Land but also against the misuse of man's universal possession of the soil of the earth. For all that, outside the Land of Israel a fruit need not be assumed to be *orlah* unless it is known to be such. Not only in the sowing and planting of shoots must you count the *orlah* years but also in the transplanting of old trees (unless so much earth was taken from the site where they formerly grew as would eventually suffice for their further growth). In the planting of shoots into the earth without separating them from the parent stem you count the *orlah* years if you separate them later, but this is so only in the Land of Israel. In the case of grafting you do not count the *orlah* years outside the Land of Israel (Y.D. 294).

(2) Law directed against neglect or misuse of possessions (in defiance of God's will):

נָטַע רְבִיעִי: The law concerning the fruits of the fourth year bears the same lesson in relation to man's universal possession of the soil of the earth as the law of מַעֲשֵׂר ב' bears in relation to Israel's possession of the soil of the Holy Land (see para. 305 below). Today, when they or their redemption value cannot be brought to Jerusalem, as they were in Temple times, these fruits are redeemed without regard to their value and their redemption money is thrown away (Y.D. 294).

2. ISRAEL'S POSSESSION OF THE SOIL OF THE HOLY LAND

304

(1) Laws directed against the denial of God as Lord and ultimate Owner of your possessions:

בְּכֻרִים, תְּרוּמָה, חֵלָה: The underlying idea which these legal instructions have in common is ראשית, *i.e.*, beginning of production, *first-fruits*. By laying down the rule that the first products of the soil have to be

dedicated and are excluded from the use of the owner, these laws express and uphold the truth that God is the Originator and Dispenser of all blessings.

(a) בכורים: After you have consigned seed and trees to the earth and you have raised your eyes to God hoping that He would cause them to flourish and the first-fruits have ripened, you should take the first-fruits from among those which characterize the Land of Israel and carry them up to the Temple and declare how our forefathers had forfeited all independence and how only through God and from God have you freedom and soil again.

(b) תרומת מעשר and תרומה: One portion should be taken from what the earth has yielded as commodities for use by human beings and which now stands stacked in heaps, before the goods are taken home into the ambit of one's property. You should not use that portion for personal purposes but dedicate it to God, declaring thereby that God is Lord of the earth and that only through Him have you any right to the earth and to the fruit it yields. The same practice is followed by the Levite with the מעשר which is given to him in compensation for his exclusion from owning land.

(c) חלה: After the grain has been separated from the soil where it grew, has been milled to flour and is ready to be made by human contrivance into bread for domestic sustenance and for your own individual self, you should, before it becomes bread, separate from the dough the heave-offering unto the Lord. By having in mind that the bread of your household is taken from the soil vouchsafed to your people by God, you acknowledge, just when you are in the greatest danger of falling into the sin of self-deification and of self-seekingly segregating yourself, that your home is but a limb of the corporate body of your people, that your personal welfare stems from, and is dependent upon, the welfare of the people and that in both you behold only the gift of the God of Israel.

All these laws connected with the produce of Israel's soil express but one idea. The law of the Torah has not fixed the precise quantity of the soil's produce which is to be set aside and dedicated to God; and so with only one piece of fruit, one bit of corn, one portion of dough which you withdraw from your personal use at God's behest, you declare that only from this God do you derive your entire right of user. *Bikkurim*, *terumah* and *challah* are withdrawn from normal uses, are passed to the *kohen*, and may be eaten only in טהרה, purity (see chap. 118). Only מעשר has a definite measure—namely, one-tenth; but תרומת מעשר seems to embody for the Levite what תרומה and מעשר ראשון do for the ordinary Israelite.

- 305 (2) Against the neglect and misuse of possessions (in defiance of God's will).

The usual sin of misuse of possessions falls into three kinds of transgression:

(a) *Neglect of the spirit*: You allow the external things which have accrued to you to serve only your body and the good of your sensual nature, and so you easily degenerate into a beast.

(b) *Neglect of the body*: You strive only after things spiritual, despising things corporal, and so you become either incapable of spiritual striving or, just because you despise and forcibly suppress the animal within you, instead of ennobling it, you all the more easily fall victim to it when it awakens in its naked ferocity; and so instead of raising yourself upwards spiritually you degenerate brutishly.

(c) *Neglect of your brother*: You regard your possessions as things vouchsafed to *you* and to you alone and therefore as assigned to you alone, and you do not realize that the finest of all blessings is that you now have the means of showing your love for your brother in a practical way.

Accordingly, the following should safeguard you: (a) מעשר ראשון, (b) מעשר שני, (c) מעשר עני.

(a) מעשר ראשון: The first tenth—against neglect of the spirit. Fruit which you store for the physical sustenance of your household, like the enjoyment of any ripe fruit in your possession for the sustenance of life, is always forbidden unless you have previously set apart one-tenth of it for the tribe of Levi, who are dedicated to serve your spiritual interests. And so, before you nurture yourself physically, you must give heed to your spiritual sustenance.

(b) מעשר שני: The second tenth—against neglect of the body. In every seven years a second *ma'aser* is set aside in the first and second, fourth and fifth years after the first *ma'aser* has been put apart. This remains yours; yet you may use it only for bodily satisfaction and should consume it in the heart of all spiritual life, in Jerusalem, so that even gratification of bodily needs is lifted to the service of God, and you enter upon the refinement of the sensual.

(c) מעשר עני: The tenth for the poor—against neglect of your brother. In the third and the sixth year, *ma'aser ani* is set aside instead of *ma'aser sheni*, i.e., instead of apportioning the second tenth for your own enjoyment, you give it to the poor and needy, the widow and the orphan, to the stranger and to everyone else who is deprived of the good things in life. It teaches you in practical form how, with the blessings issuing from God's earth, to manage not only your own welfare but, no less, also that of your brother. At the same time, you should examine whether you are indeed dispensing the good things you have in accordance with God's will—as our Sages express it: 'I have gained joy, I have given joy' (שָׂמַחְתִּי וְשָׂמַחְתִּי)—and then, when you know no guilt, you can declare it happily before your God (וידרי מעשר).

306 All these duties connected with the possession of soil are bound up with the Holy Land by the Torah. Beyond this, *bikkurim* is also linked with the existence of the Temple, and *challah*, as the integration of the specifically domestic into the general orbit of the national bond, is related to the actual reunion (resettlement) of all sections of the Jewish people in the Holy Land. However, that which depends neither upon the Temple nor upon the resettlement of the people within the Holy Land but only upon possession of soil is still today an obligation in the Holy Land. As it is explained by the dictum of our Sages: While it is true that Sennacherib and Nebuchadnezzar destroyed the tenure of the Holy Land which Joshua established, because the external form of independent nationality was brought down by them, Titus could not disrupt Ezra's work, because this latter was not the restoration of an independent nationality. It was rather only the reoccupation of the land in preparation for the long period of the Diaspora, a gathering once again of all the people in the desolate homeland before the long wandering through the ages began. Thus, through their experience a permanent reunion in the future was assured to them; thus, not only was a spiritual bond left in the scattered children of Israel engaged in their common mission in life but also a visible centripetal spot in the soil which once again became the Land of Promise.

307 For us, dispersed far away from the Land of Israel, nothing remains of all these laws except a meagre, trivial trace in the observance of *challah* which our Sages made applicable outside the Land of Israel too. In the Diaspora: (1) it betokens, turning from the dedication of Israel's possession of the soil of the Holy Land to the dedication of man's universal possession of the earth, that our daily bread is a direct gift from God. (2) It keeps fresh in our minds and in our hopes the idea of a nation manifest among nations. (3) Finally, it draws our attention to the fact that every home is linked with Israel, an Israel united by an invisible spiritual bond. It helps us to contemplate with courage the fact that, even in the Diaspora, the well-being of the individual must not be regarded as being detached from the well-being of the whole spiritually united House of Jacob.

A piece the size of an olive is pulled off from our dough, and, as our *kohanim* cannot be expected to eat it in *taharah*, it is burnt and, whenever possible, burnt in a special fire set apart for that purpose (Y.D. 322). On no account may a non-*kohen* partake of *challah*. If one forgets to take *challah* from the dough, it should be taken from the loaf of bread. Nevertheless, in case of need, it may be eaten first and so much then left over as will enable *challah* to be taken therefrom (Y.D. 323, 327). Only the five kinds of grain which are used primarily in the preparation of bread¹

¹ See chapter 27, paragraph 206, and this chapter, paragraph 303, footnote.

come under the obligation of *challah* if so much of it is kneaded as will suffice for one man's daily sustenance, *i.e.*, one *omer*=43 and one-fifth egg measures. One measure of flour of ten square thumb-lengths and breadths and three and one-fifth thumbs in height is the measure for *challah*. One should not put yeast which comes under the obligation of *challah* into dough which is exempt from *challah* or *vice versa*. Therefore, before *challah* is taken, one removes from the prepared dough the portion allotted for subsequent yeast (Y.D. 324). Two small similar pieces of dough become as one whole and fall under the obligation of *challah* if they are stuck together or if they become joined together in one vessel or in or under one covering. In respect of several pieces of dough, each of which is large enough to come under the obligation of *challah*, it is sufficient to lay them before you in order that the taking of *challah* from one may be valid for all (Y.D. 325). The owner should take *challah* from the dough himself. Another person has the right to do so—and it is valid—only if he has the permission or the approval of the owner. This duty of declaring that domestic well-being is but a tributary of the stream of the common weal lies primarily upon those whose responsibility is the household—namely, the women (Y.D. 328). Only dough assigned for the preparation of bread or bread really baked comes under the obligation of *challah* (Y.D. 229). Dough which has been prepared exclusively for animal fodder and is recognizable as such does not come under the obligation of *challah* (Y.D. 330). However, everything is included under the term 'bread' which is baked from the aforementioned kinds of grain except anything cooked thin and spongy. There is a doubt about something cooked in a firm lump and so one should take *challah* therefrom without a *berachah* (Y.D. 329), or one should bake a portion of it and then the whole comes under the obligation of *challah* (Y.D. 329). If the dough is to come under the obligation of *challah* it must be the property of a Jew at the moment of kneading (Y.D. 330).

43

AVELUTH

אבילות

308 Nothing needs such vigilant precaution as the emotions of the human being. For it is just in his emotions that man swerves so frequently from one extreme to the other. Both a running wild of the emotions and a petrifying deadening of them are equally dangerous. One extreme engenders the other. The two rarely meet to mingle into a happy medium which alone would allow them their full play as designed by God, neither too much nor too little.

309 It is, of course, true that man also easily goes astray when he is in the enjoyment of happy emotions. But life itself with its major and minor hardships soon sets the target and leads to the conclusion that there is far more need for a call to serenity in life than for a warning not to overlook its darker side. The feeling of grief, however, has a graver import. The surging feeling of joy, if not indulged in to excess, usually produces in an honest man only a surfeit of goodliness, because, of itself it widens one's heart and, one might say, welcomes the whole universe into the loving embrace of man; and this begets love and only love. Grief, however, because it is the outcome of some form of constraint, throws man back upon himself, fills his heart only with himself and leaves no room for anything else. Excess of the feeling of grief renders a man feeble and numb and therefore unable to master his life. But equally dangerous is the stifling of one's feeling of grief. For it is just by this throwing of man back upon himself that God educates him through suffering; and he who is dead to this feeling of grief is dead to the fatherly guiding hand of God.

310 The Torah—as in other instances, so in the emotional life of man—lays down directions and duties to guide man by its many injunctions. Our Sages, too, who were to the fore in their behests for the joyful occasions which life affords, found it necessary to draw up rules to govern our feelings of grief at the loss of that greatest blessing in our outward life—the loss by death of a fellow-man. They allowed these feelings latitude but at the same time they confined them and so they prevented these feelings, on the one hand, from being stifled and, on the other hand, from bringing in their wake enfeeblement. They acted in accordance with injunctions implied in the Torah and also in accordance with established practice recognized by the Torah. The provisions governing

these practices are embraced in הלכות אבילות, and we include them in the section 'Edoth' because they also teach us how, by symbolic observances, to commemorate what is primarily a private occurrence and the emotions which it engenders.

In the emotions engendered by death, three aspects following upon one another may be distinguished: 311

(1) The inevitable feeling of pain which can no more be dismissed than the physical suffering when a limb is amputated from one's own body. The ego of the human being feels that part of it has been torn away; and this hurts poignantly. This is the condition of *aninuth* (אנינות), literally, one's personality is 'outraged' by a sense of loss.

(2) When the severance recedes into the past and one's ego feels only the after-effects of a loss now over—the pain is then more mental because the loss, being something past, exists still only in the mind. The pain, since it is of a mental nature, can also be mastered mentally. Its character is *aveluth* (אבילות), the shrivelling of one's mortified personality.

(3) The pain has now been overcome, one's ego raises itself up again erect and independent, but it has not yet regained self-confidence, and so it neglects the outward appearance. This condition is known as *nivvul* (ניוויל), the inward personality which contemns one's outward appearance. The man then comes into contact with the society to which he belongs, and this is the final healing of his pains; for when an individual rejoins his associates, his feelings of sadness cease of themselves. It is the human being only as an individual that is maimed by the event of death; the community is so constructed as to expect death and it ever regenerates itself. And so it is in this feeling of 'belonging' that the last trace of suffering disappears.

Our Sages gave thought to these three aspects. They allowed each, one after the other, sufficient latitude but confined each to that latitude and so gradually led him who was grief-laden until the erstwhile self-absorbed is once again presented to life and society. 312

We shall consider each of the aspects by its separate observances. It is obvious that each aspect includes the one immediately following, and only by dropping the special characteristics of the preceding one does its successor emerge.

Onen (אָנן) comes within the enactments of the Torah and these enactments determine the innermost essentials of an אָנן. He was not permitted to have any enjoyment of any hallowed thing, not even *ma'aser sheni*. A priest who was an *onen* was not allowed to offer a sacrifice; only the High Priest was permitted to offer a sacrifice when 313

he was an *onen* without desecrating the sacrifice. This is a law of great consequence to all *hilchoth aveluth*. All hallowed things, from *orlah* to *ma'aser*, have a national significance (see Section VI, chap. 118). It is the community that sanctifies the offering, and hallowed things are partaken of as part of or as representative of the community; and only with this communal sense are holy actions performed. But the feelings of the *onen* violently oppose this communal sense. His inner personality, mutilated by suffering, is so dominating that he has no room for any other feeling, let alone for a communal sense. Hallowed things and the condition of being an *onen* exclude one another. Either one's feelings caused by the loss by death must merge with the communal sense, which, ever rejuvenating itself, knows no apprehension of the grave, and so *aninuth* must give way to *kodesh*; or *kodesh*, overpowered by the outlook of the *onen*, becomes desecrated because the sense which should raise *kodesh* to sanctity is lacking. The Torah makes allowances for the feelings of an *onen* as the overwhelming condition of pain of one who has been grievously hurt by a death. It does not demand a stifling of these feelings, even from the priest ordaining things spiritual, but allows him to shun what is *kodesh* and precludes the priest from performing his usual functions in the Sanctuary while he is an *onen*. It is only from the High Priest, the pinnacle of the nation, who in himself represents the people, that it demands such a high stage of spiritual élan that he should not be conscious of any feelings of self while conducting the sacrificial procedure; and in this high sense of public-spiritedness he is not to think of himself as son or brother, not as father or husband, but as a representative of the people of Israel, and he is not to know the grief of the *onen*. But even from him this is demanded only during the most important duties of his vocation, during the significant sacrificial procedure itself, but not during his personal enjoyment of things hallowed, which is more of an individual matter. Thus, our Sages recognized that their task was not to stifle this feeling of grief but rather to yield to it and so gently to extinguish it. They therefore consigned the *onen* entirely to caring for the deceased from the moment of death until the complete leave-taking. They declared him exempt from the fulfilment of any other duty upon the days when he could be actively engaged in the arrangements for the funeral of the deceased, and they forbade him any physical pleasures which bordered upon self-indulgence.

The following rules will therefore be understood. An *onen* is exempt from the fulfilment of any religious duty imposed upon the Jew—indeed, he must not fulfil it. On weekdays this applies always; and on a Sabbath or festival, when, for instance, towards the evening he has to walk a distance permitted by the laws of Sabbath and Yom Tov (תחומין) in order to enable him to become active thereafter in tending to the

deceased—namely, as soon as the week-night commences—in other words, generally during the time when it is possible for him to do something for the deceased. He may not eat meat, nor may he drink wine. Nor should he partake of anything else in his usual manner by sitting at table. (He must never eat or drink anything in the presence of the dead.) On Sabbath and on festivals, when he can do nothing to care for the deceased, he is under the obligation to fulfil all religious duties and may partake of meat and wine (but not in the presence of the dead). The state of being an *onen* begins at the moment of death—namely, as soon as one can become active with the burial of the deceased, until the final leave-taking, *i.e.*, until after the interment is completed, or, if the *onen* himself does not arrange the burial, until after the transference of those who effect it. What is prohibited in the other two categories (of mourning for the dead) is naturally prohibited to the *onen* too. However, he is not obliged to take off his shoes or to sit on a low chair, in order that he should not be disturbed in what he is doing for the dead. He may, of course, do whatever is demanded by the care of the deceased (Y.D. 341).

Aveluth (אבילות): This is based upon inferences in the Torah and the Prophets in connection with the deaths of Nadab and Abihu and the wife of Ezekiel. They, the priests, as representatives of the nation (see Section VI), and Ezekiel, the man of the spirit (the latter only as far as his outward appearance was concerned), were given certain instructions and were bidden to master their feelings of bereavement. But it is just from these historical events and the legal enactments connected with them that our Sages realized the task of making allowances for the feeling of bereavement everywhere else and at the same time of setting limits to it. They made allowances for the natural need to express one's feelings of bereavement by ordaining set observances in connection with this state of mourning, observances evidence of which they already found in the *Tenach*. These observances are as follows:

1. *Prohibition of melachah*: Just as in the days of a festival (Mo'ed) a halt of seven days is made in the woof and warp of active life in order to keep alive in oneself the idea of commemorating a national event and thereby strengthening oneself for one's future mission in life, so one makes a halt for seven days in one's day-to-day work and one lives only amid the memories of the missing, feeling one's inner being in anguish, rendering one incapable of proceeding with one's work, but finding room for the performance of kindly deeds and inner self-perfection for which even this sense of mourning offers opportunities in large measure.

Yet only such work is forbidden to the *avel* as is forbidden during Chol Hamo'ed (para. 183) and including such as is permitted during Chol Hamo'ed for the festival. So, too, all business engagements. This applies not only to the *avel* but also to his wife, his children, his

servants, and generally to all who comprise his household. Even one who is supported by alms must not for the first three days carry on his means of livelihood; after this, if he is lacking in sustenance, he may work at home out of the sight of people. But, say our Sages, woe to his neighbours who leave him in this state of want. Only that which is not an act of acquiring new property but is the avoidance of forfeiting what appertains to something already acquired may be done for him by others. If it cannot be done by others he himself may do it after the first three days, inside his own house, just as in the case of a poor man who has to work for his sustenance. If the loss is too great, he may do the work himself even within the first three days. For what is included under forfeiting something already acquired (דבר אבד), and for matters relative to service and companionship, see Y.D. 380. He, however, who is in mourning for his father and mother should not work during the *Shivah*, even if it means the loss of property, and he should give himself over to his feelings of grief. An *avel* is permitted to do whatever is necessary for maintaining cleanliness in the house and the household and in preparing food, etc. (Y.D. 380). Cf. para. 183.

2. *Prohibition against wearing shoes, etc.*: In the view of our Sages, the wearing of shoes on our feet betokens equipment for self-supporting activity. Thus, taking off one's shoes on holy ground is ordered several times in the *Tenach* as a sign of surrendering all one's self and of a complete submission to what is holy. So, too, for the *avel* the removal of his shoes is an expression of the breach in his independent personality.

During the seven days of *aveluth* he must not wear shoes of leather on his feet (Y.D. 382). (Cf. also paras. 158, 243, 545.) A similar idea is expressed in the rule that during the seven days one must not sit or lie upon anything other than flat earth, with at most some insignificant underlay, when not standing or walking. According to former custom, all furniture intended for lying upon was thrown onto its side and the head was wrapped up completely. But both practices are already long out of use, as are many features of *hilchoth aveluth* because of the necessity to avoid anything which, catching the eye, is liable to misinterpretation (Y.D. 386, 387).

3. *Ban on greeting, etc.*: The *avel* remains resigned to himself and to his sense of mourning.

He should not associate with his acquaintances and friends; indeed, when a husband (or wife) is in mourning, even the intimacies of domestic life are restricted. During the seven days he should not extend greetings to anyone, and he may return greetings only after the first three days. One should not offer greetings to him at all throughout the whole seven days nor send him gifts (of friendship), etc. (Y.D. 385). On the Sabbath he may greet others; but whether others may greet him depends upon custom (Y.D. 385). He must not even evince any

participation in the mourning of someone else during the seven days of his own mourning. He may leave the house only in case of great need and he may not appear at synagogue except on the Sabbath and even then he should not occupy his usual place (Y.D. 393). See also Y.D. 383 with reference to domestic life.

4. *Mental occupation*: The thoughts of an *avel* should be immersed entirely in his bereavement. For seven days he should engage only in such mental occupation as is appropriate to his condition and which helps him to understand the meaning of what has happened.

For this reason study, even of the Torah, is denied him. Only Job, Lamentations, the mournful passages in Jeremiah and also הלכות אבילות, may occupy him. If, however, he is a public teacher and his services are required he may teach various extracts from the Torah, certainly after the first three days (Y.D. 384). Similarly, the *avel* cannot be expected on the first day to focus his attention on the significance of the tefillin, and, as without such attention putting on the tefillin is worthless (see para. 276), he should not put them on on the first day; but on the second day and thereafter he should, though even then his mind must not be distracted from the tefillin. Only the man of the spirit, Ezekiel, could be relied upon to wear the tefillin worthily on the first day (Y.D. 388). Generally speaking, any kind of entertainment is forbidden (Y.D. 391).

5. *One's external appearance*: It is characteristic of the *avel* that he should attach little value to his suffering personality and that he therefore neglects his outward appearance. This state lasts longest too (see para. 315).

As the immediate first expression of grief, *kri'ah* (קריעה), i.e., a rending of one's garment, has been instituted, following allusions in the *Tenach* (for further details, study Y.D. 340, 402). Taking a bath—even a cold one—or washing parts of the body in warm water, is forbidden throughout the seven days; so is any kind of beautifying of one's body (Y.D. 381). Similarly, one may not wash, or cause to be washed, one's clothes, bed-clothes and tablecloths, even in plain water; and the prohibition applies also to newly washed clothes, completely new or newly pressed clothes, which may not be worn or put on (Y.D. 389). One is forbidden to remove any hair, be it of the head or beard. Cutting one's nails, with scissors or knife, is likewise forbidden (Y.D. 390). For further details see para. 315.

General: *Aveluth* begins immediately the final leave-taking is finished, i.e., when the burial has been completed; but if the dead body is taken to some other place, *aveluth* begins for those mourning who are left behind as soon as they have turned their backs upon the body. When, however, the head of the house is with the body and the burial takes place within three days, the whole household must count the seven days of *aveluth* from the completion of the burial (Y.D. 375).

315 *Nivvul* (ניוויל): On the seventh day one's inner self rises again and once more resumes its place in everyday life. One's heart, however, is not yet open to joy, and the still grievous and ever inwardly-felt sorrow shows itself in the neglect of one's outward appearance.

The removal of hair from the head, beard or other part of the body remains prohibited in the case of the death of relatives other than parents until the thirtieth day from the day of burial; and, in the case of death of parents, until such time as the mourner becomes repugnant to his fellows through his self-neglect and they tell him so or shun him, or, where this is not shown, for three months (Y.D. 390). He is also forbidden to wear new or newly pressed garments or newly made or festive garments, or to make new ones, for the whole year from the death, and, particularly during the first thirty days, to wear newly washed clothes, unless someone else has worn them previously (Y.D. 389). Custom also forbids taking a bath or washing in warm water for the first thirty days (Y.D. 381). For thirty days in the case of any death and for twelve months in the case of the death of a parent, any festive meal is forbidden to him except a *se'udath mitzvah*—this does not specifically evoke joy—in his own house and not outside it, such as, for example, a *Pidyon HaBen*, *Brith Milah*; not, however, a wedding meal. He may attend a wedding ceremony only after thirty days (Y.D. 391); after the thirty days he may do so even if the death is that of his parents and even with a wedding meal, in the case of his own wedding. To become engaged is permitted even on the day of the death. If a man's wife dies, he may not marry again until Pesach, Shavuoth and Sukkoth have passed, except if he is childless or has little children who are in need of a mother or the condition of his home undeniably requires a housewife. In all these instances he may marry again immediately after the seven days and bring his new wife into the home. This also applies even to one who mourns for parents (Y.D. 392).

This state of *nivvul* (called *Sheloshim*, שלשים, because of its thirty days' duration, just as that of *aveluth* is termed *Shivah*, שבועה) begins on the seventh day at the conclusion of the Morning Divine Service and ends upon the thirtieth day at sunrise (Y.D. 395). For deceased parents, the day of memorial (Yahrtzeit) occurs every year on the anniversary of the death. On this day everything is observed as was customary in the year of mourning. One also fasts; this helps one to self-contrition and to introspection and to a dedication of oneself to a new life by recalling the memory of those who have passed away (Y.D. 395, 402). See also para. 682.

316 Only the death of those persons who belong to the narrower circle of one's life calls for mourning, because they were part of oneself and their dying leaves a void.

This means: the death of father and mother, brother and sister, even if only on the paternal or maternal side, husband and wife, son and daughter. For all that, all blood relatives of the second or third degree should, in the first week, show some signs of mourning by their outward appearance. One does not, as a rule, observe any mourning for a child that did not survive its thirtieth day, because its life-potential was still doubtful. In the case of the death of one's teacher in Torah, *אגירות* and one day of *אבילות* apply (Y.D. 374). For one who has openly declared his secession from all association with Judaism, no mourning is observed (Y.D. 345).

Aveluth in relation to Mo'ed and Sabbath: Just as the Temple and its holiness and all that arises therefrom rests upon a national basis, so have the festivals and their seasonal holy convocations a national character. Pesach and Shavuoth, Sukkoth and Shemini Atzereth, and even Yom Kippur and Rosh Hashanah which introduces it, make, in their very essence, an appeal to one's communal sense. You should not consider yourself, on these solemn days, first and foremost a son or a daughter, a brother or a sister, a husband or a wife, a father or a mother, a pupil or a friend, but a member of *Kelal Yisrael*. Only through this consciousness that you are a member of the Jewish people, that you belong to both the destiny and mission of Israel and that you must dedicate yourself to them, can the festivals fulfil their task, which is to guide and sanctify your life. That is why their call is only to *simchah*, to religious joy, telling you to unlock your heart and to embrace all your fellowmen. This sense of community is the essence of *simchah*; and therefore *aveluth*, with its self-absorption and inner constraint, is in direct contrast to it. In the knowledge that one belongs to a community every thought of individual mortality vanishes. Even though the individual fades away, the Jewish people as a whole eternally rejuvenates itself; it is eternal like the eternal will of Him Who called it into being. From this, our Sages have derived a beautiful law. The High Priest, the representative of the people of Israel before God, actuated primarily by a communal sense, is called upon to deny himself the feelings of an *onen*; likewise, Aaron, and also his sons, were told on the death of Nadab and Abihu: *ראשיכם אל תפרצו ובגדיכם לא תפרמו*, 'Let not the hair of your heads go loose, neither rend your clothes' (cf. Levit. x, 6). Here, then, the sense of pain and mourning of the individual had to give way to the common feeling of holiness. And so our Sages let every existing feeling of sadness become submerged in every Mo'ed—the festival, which invites us to share in the feeling of religious joy of being one of a community. On Yom Tov (*מועדי ה'*) the sense of belonging to the Holy Brotherhood of Israel outweighs the feelings for children, parents, brother and sister, husband and wife. In this feeling of 'community' tears dry up,

lamentation becomes stilled, he who is bowed down lifts himself up again and grasps a new life in the knowledge that he is an integral part of a whole; and so the community spirit and consequently happiness are restored to him. *Mo'ed HaShem* consecrates us all as priests! And just as the festivals put an end to those feelings of mourning which already exist at the time of their incidence, so they do not allow fresh feelings of mourning to arise; they dispel them. Sabbath, however, in which the national feeling plays only a secondary part, signifies fundamentally the stability and therefore also the rejuvenation of mankind in every individual human being. Sabbath truly directs the attention of everyone to himself, to his mission in life and to its implementation. Unlike Yom Tov, therefore, Sabbath does not dislodge the feeling of mourning but only softens it by bringing courage and strength for daily life. In this spiritual height of Sabbath, which harmonizes pain and joy, showing one's life-task in both, the feeling of mourning will withdraw into one's inner self for the duration of the Sabbath and not manifest itself by external symbols. From these general underlying ideas are derived the following legal details:

He who has given scope to *aveluth* (by sitting *Shivah*) even only for one moment before Pesach, Shavuoth, Sukkoth, Rosh Hashanah and Yom Kippur, ceases to be an *avel* at the commencement of the *Mo'ed*, and the period of *Sheloshim* begins with the *Mo'ed*. He who entered into the condition of *Sheloshim* before the *Mo'ed*, ceases to be in this condition with the commencement of the *Mo'ed*. For the death of father or mother, Yom Tov cancels *Shivah* but not *Sheloshim* nor the observance of the year of mourning. Shavuoth and Shemini Atzereth are then counted as seven days and likewise the Festival of Sukkoth is reckoned with us as fifteen days, so that only eight days remain of the *Sheloshim* for one who was already sitting *Shivah* when the Festival of Sukkoth came in. However, in the case of one who buries his dead upon Chol Hamo'ed or on the second day, through a non-Jew, the observance of *aveluth* only continues inwardly and not outwardly, as, for example, in the kind of Torah study one is allowed to pursue, in one's marital relations, etc., but not by abstaining from wearing shoes and so forth. After the festival, one begins to count the *Shivah*, but the second day of Yom Tov is included in the count. This *Shivah*, however, is less stringent in connection with the prohibition of *melachah*. *Sheloshim* are, however, reckoned as always from the day of burial. Sabbath does not cancel *aveluth* and is counted among the seven days. However, *aveluth* may not be shown outwardly although the rules continue to apply in some respects, for example, in regard to washing oneself, occupying oneself with the Torah, marital relations, etc. The wearing of shoes, sitting on a high stool, etc., are not forbidden. For further details see Y.D. 399-401, and O. Ch. 547-8.

News from near and afar (שמועה קרובה ורחוקה): All the above-mentioned 318 rules apply only to those who are informed of the death immediately, or within thirty days thereafter or even upon the thirtieth day. In all these cases the day one receives the information after the burial is to be observed like the day of burial and *Shivah* and *Sheloshim* are counted from then onwards. But if the information arrives only after the thirtieth day, a fraction of time only is given to outward expression of mourning by removing one's shoes, etc., and *Shivah* and *Sheloshim* are not counted. In the case of the death of parents, however, the restrictions which usually apply even after *Sheloshim* (see para. 315) remain, and this lasts for a period of three months or until one's outward appearance makes one objectionable to one's friends. Similarly, one observes all that is left of the year of mourning and the latter is counted from the day of death. Perhaps there are some psychological grounds for the above-mentioned regulations. A death which has in fact occurred some time previously but of which information has been received only recently brings sadness in a milder, more resigned and more spiritual form and so is a matter for one's thoughts only. For that reason, just as the Torah instituted only one day for the commemoration of spiritual events, such as, for example, Shavuoth and Shemini Atzereth,¹ so our Sages followed the implication in this in the case of a death which has taken place some time before. The feeling experienced at the news of a distant death does not require so much care in the latitude given it and in its constraint as the feeling experienced by a death of which one hears immediately, just because the former is of itself gentler. Correspondingly, *kri'ah* does not apply in the case of a death the news of which is received after thirty days, except in the case of the death of parents. For all further details see Y.D. 402.

סעודת הבראה וניחום אבילים: It has already been mentioned several times 319 how the assuaging of one's anguish at a death can be fully achieved first by uplifting oneself nearer to God and secondly by a sense of belonging to the community. Through the latter, orphans will again find their parents, parents their children, brothers and sisters their brothers and sisters, the widow her husband, and the husband the woman who will manage his home and be a mother to his children. For the community in the aggregate must become everything to the individual within it, receiving the orphaned and taking the part of the widowed. Those who are bereaved of children and to whom it seems that they have lost the *raison d'être* of their lives will find it again in the bond of community,

¹ By Biblical law these Festivals are celebrated on one day only and have no characteristic symbols of their own, unlike Pesach and Sukkoth, which are celebrated for a whole week and have special symbols—namely, matzoth, sukkah, lulav, etc. For the deeper reason behind this difference cf. chap. 33, and S. R. Hirsch's 'The Festival of Revelation and the Uniqueness of the Torah,' in *Judaism Eternal*, Vol. I, pp. 88–116.—*Ed. Note.*

in the Holy Brotherhood of Israel for which we strive. He who is an integral part of it, lives with it—he never dies. And so, as soon as the insuperable state of sorrow in *aninuth* has passed and the sadness has become more spiritual and thus can be spiritually overcome more easily, the *avel* should be made to feel his link with the community; and thereby healing will gradually come to him.

The first meal of which he partakes on the first day, after the burial, should not be his own, but his neighbours should send him food and drink. This meal is not sent to the mourner late on a Sabbath eve, *i.e.*, shortly before the commencement of the Sabbath. It is the custom to send eggs, which, by their round shape, recall the ever-rolling cycle of the progress of life. This meal is given only on the first day. If the first day has passed, this practice is not observed. Nor is it observed where information of the death is received after thirty days (Y.D. 378). In the same spirit, members of his community should visit him during the whole of the seven days and by these visits bring him that very consolation which the sense of community affords. One should not be reticent in expressing one's sincere sympathy in words, showing that life in all its vicissitudes is but a task which our Heavenly Father has imposed upon us in His wisdom and righteousness and love, and which can be fulfilled only with love. Do not offer any word of comfort until you see that the mourner desires it—otherwise show him your sympathy by your silence, for your very presence evidences your sympathy (Y.D. 376).

- 20 Our Sages gave latitude to our feelings of mourning so that these feelings, too, might become a source of spiritual strength for life. But at the same time they wanted to confine such mourning within these limits: 'three days of tears, seven days of lamentation, and thirty days or three months of neglect of one's outward appearance—if more, then God says: Have you then more merciful love for the one who has passed away than I? Is he not My child? Am I not his Father? Nay, more, it means finding fault with God.' Our Sages—how wise they are!—tell you not to chain yourself to anything you have, however noble it be, so long as it is transient, or else, when it passes on, you decline with it and you only cast yourself into the grave with him who has passed away. As long as God's love bestows upon you its grandest gifts, use them as God's own for God's purposes. But be ready at every moment to return them, for you do not know when He will demand them. And if He takes away, recognize in the taking, as in the giving, the same loving fatherly hand; and with what is left to you, in whatever condition you may be, rise to live fulfilling the will of God, pursuing it and blessing Him—until He also calls you away to another existence and to a new life.

With regard to Kaddish, see para. 692. Concerning the full observances of mourning, study Y.D. 340–403. See also chap. 11.

Section III

MISHPATIM

משפטים

*Declarations of justice
towards human beings*

In his *Nineteen Letters on Judaism*, S. R. Hirsch defines *mishpatim* as follows: 'Judgments. Declarations of justice towards creatures similar and equal to yourself, by the very reason of this resemblance and equality; that is, of justice towards human beings.'—*Ed. Note.*

JUSTICE

קִדְשׁ

Justice, justice shalt thou pursue.

DEUT. XVI, 20.

And it shall be justice unto us; to observe all this commandment before the Lord our God, as He hath commanded us.

DEUT. VI, 25.

For I have known him, to the end that He may command His children and his household after him, that they may keep the way of the Lord to do righteousness and justice.

GEN. XVIII, 19.

The concept of 'justice' is for your conduct what the concept of 'the Unity of God' is for your mind. As the latter forms the basis of your thoughts, so the former is the basis of all your enjoyments and actions. Indeed, the concept of 'justice' as your life's task is a direct consequence of the concept of 'the Unity of God'; it follows directly as soon as you apply to yourself and to all that exists the concept of the One God and ask yourself, What is the place of my being among all beings? For if the idea of God is alive within you; if the light which shines for you, the air which you breathe, the rain which quickens you, the earth which bears and feeds you, the stone, the plant and the animal over which you rule, the life-mate who has been placed at your side, the mind within you by means of which you observe and perceive, think and judge, the heart within you by means of which you feel, wish and fear, hesitate and decide, the body which houses you, your mind and your heart, and which serves you with its parts and powers—if you consider all these not as yours but as God's creatures and property, and if you then ask yourself, What should my attitude be towards all these creatures and property of God? the answer cannot but be: The will of God your Master. That is, to allow to each all that God has allotted to him, to give to each all the things in your control to which God has allotted him a claim. This, however, is what is comprised in the term 'justice,' the object of which is to allow to each creature that which is due to it and to take from each that which is due from it. What is due to a creature, again, is simply what his Creator has allotted to it in the station and the destiny which He has made its portion. Justice thus simply means allowing each creature all that it may expect as the portion allotted to it by God. Just as, therefore, God is the Source of truth, so He is the Source of justice, that is, of the claims of creatures one on another.

Justice, therefore, is the sole guiding principle of your life. And though we conceive of your life's task as justice *and love*, love is itself nothing

but justice. It is love as applied to other creatures, but it is justice as applied to your and their Creator, Who enjoins love for His creatures.

This justice, strictly speaking, applies only to human life. For though you perceive the image of this justice in all God's work of creation, in the life of every being around you, yet man alone is in truth created for justice.

322 It is on justice that God founded the universe.

If you will raise your gaze to the heavens, if you perceive that there are laws by which the heavenly bodies move in their course, if you discern the law of creation which governs the earth, the plants, animals and men, if you penetrate the inner working of all beings and analyse their composition—does it not become manifest even to your dull eyes that it is the hand of the Creator which everywhere has allotted to its creation matter, strength and structure in due weight and measure?

The same hand which measured the earth and the sun and meted out matter to them in proportion to their pre-ordained courses, that same hand meted out mental power to man according to his spiritual destiny, prescribed the number of each being's members and size, allotted to all matter its ingredients, which make it what it is.

In the same manner, the continued existence, development and activity of the universe is but justice.

Yet all this is but an image of justice, and in reality is wisdom, truth and love. For God created the universe not according to anyone else's claims or rights, He completed it according to His own wisdom; in creating the universe He did justice only to Himself. But His justice towards each creature is nothing but love. For where is there a creature which can have a claim on God other than one arising from God's love; any creature's claim can begin only with its existence and destiny, but is not this very existence and destiny a gift of love from Divine creation? As your love is but justice, so God's justice is but love.

323 The life of each creature about you shows you the image of justice.

Observe that each creature discharges its task in proportion to its strength, taking from its fellow-creatures only what God has allotted to it for its own development, and for its part faithfully giving of its own to the best of its ability; that even the dying tree brings forth leaves and branches when it no longer yields fruit, and nourishes mosses when its own life is at an end; that even the bare rock sprouts forth life to the best of its strength; that your calculations based on trust in the justice of creatures are ever faithfully and justly realized; that you confidently lean upon the earth, entrust your seeds to her, safe in the knowledge that she will surely yield vital food; that you can accurately predict the effect of the elements, entrusting to them the lives of yourself and your

kin, and that if you have not deceived yourself you will not be betrayed by them; that everything serves the universe until life ends and matter brings forth new existence; that the universal activity of the just taking and the just giving combines creation into that unity which presents itself to your mind—is there another name for all this than justice? But, again, it is but an image of justice, for it is in reality God's word which acts in all this, which all creatures as a matter of necessity obey in their giving and taking and which ever remains constant to itself.

Man, however, you alone are created for justice. To you alone, among all that is created, is injustice possible—that is, you alone are able not to give to God and the world that which is due to them, and to take more things than those due to you. For God, by giving you a will, detached you from His compulsive law—so that you may of your own free will do justice to God and every creature, so that you may freely constrain your might and strength, weigh your words and deeds and overcome your selfish desires in accordance with the demands of justice. It is for this that you were created. Your upright stance, your straight gaze, your head designed to see in all directions so that in looking at heaven and earth you may perceive the Divine justice—all your external appearance is evidence that you are created for uprightness, for truth and consideration for all creatures about you—in a word, for justice. Add to this, above all, that God's will has been revealed to you, that He has implanted in your mind the general principles of truth and right—a spark of the law of His universal order—and that your mind echoes His voice which demands truth and right everywhere and rebels against every injustice. By all this the Divinely apportioned claims of all creatures on you may be evident to you, and you may be able to understand and absorb His teaching of justice and for ever carry within yourself a voice reminding you to discharge the task of justice. 324

Observe, then, that only that is truth which corresponds to the Divinely created reality of the external world or to the rules which God has implanted in your mind, and hence that God is your Source of truth. That is, you recognize as just that which satisfies your own sense of justice, which God has instilled in you; thus God is also the Source of justice. And if you ask, Why does this appear as 'true,' as 'just' to me? you are unanswerably led to something for which there is no reason other than God's will, which has established both external reality and the internal reality of your mind and spirit. Thus truth and right are the first revelation of God in your mind. But the internal voice of justice can respond only to the general principle. To know what justice requires in regard to every creature you would have to know yourself 325

and the creatures about you as well as God knows you and them. If, moreover, your freedom, instead of leading you to justice, unleashes your selfishness, if you do not listen to the voice of truth and right within you and, instead of considering it as a Divine reminder, pass off as an irksome obstacle to corruption and vanity whatever of this voice may penetrate to your consciousness—then you will rush towards depravity and spiritual suicide.

Thank God, therefore, that just as He has prescribed the course of the stars and the growth of the grass, just as He has implanted the word of His justice in the minds of all His creatures, He has announced His justice to the world so that you may freely submit to Him in consequence of His command to you, of His interpretation of all other creatures' claims on you, and so that you may be *just*.

- 326 The word of God which reveals your justice to you is His *Torah*. It is the warranty and message of your inner voice which demands justice; a warranty that this voice is God's voice and command and that you do not disregard, despise, or misinterpret it; the message that you can thereby exercise that justice infallibly towards all creatures and towards yourself, for it is God Himself, by Whose word alone justice is what it is, Who has interpreted the claims of other creatures and of yourself against yourself.

Even though, therefore, you could not fathom the reason for any of these Divine pronouncements of justice, that is to say, though you could not fathom how this or that pronouncement corresponds to the essence of things and of yourself, you would nevertheless have done your duty by satisfying the claims which God—and the sense of justice which He has implanted in you—has allotted to other creatures against you; and it is just that which God has revealed to you in His *Torah*.

The more, however, you observe these demands of justice, and the more you learn to know the things around you and yourself, the more the essence of things will become evident to you; and the more closely you strive to follow with your mind the Divine wisdom in His creation, the more will you, through practice, become familiar with the Divine justice, even though the reality and the obligation of His pronouncements in no wise depend on this striving.

- 327 Thus justice is the sum total of your life, as it is the sole concept which the *Torah* serves to interpret.

Mishpatim are justice in deed and word towards men. *Chukim*, justice towards the beings subordinated to you—plants, animals and the earth—as well as your own body, mind and spirit and their forces. *Mitzvot*, justice towards God, Who not only demands that you respect His world and that you do not impair the creatures about you,

but Who has also created you for love and that you may become a blessing for the world. *Edoth*, justice towards God, yourself, Israel, and mankind. *Toroth*, justice of your thoughts towards reality, and of your feelings towards your destiny, truth and virtue. *Avodah*, training of yourself in this justice.

If you practise this justice, you will be צִלָּם אֱלֹקִים, a Divine though faint image of God the All-just. You will be the only one among all creatures who freely makes God's will his own; you will be like Him in weighing the effects of your words and deeds, within your small circle and to the best of human ability; you will succour and bless. Of course, you will act according to human strength and weakness, hence your justice is not צִדָּק, which means God's total justice towards which everything develops, but צִדְקָה, justice which flows from the former and is attenuated to suit human conditions.

Happy must he be who has never turned aside from this צִדְקָה justice, whose life is nothing but the realization of this justice! What blissful, unique consciousness, to look back on one's life as into a clear starry sky, and to see each moment as a flowering of justice, not one creature shedding tears before the Throne of the Most High Judge for a disturbance of its happiness through you or for the withholding of any blessing by you. Of course, to reach such heights demands a constant struggle and the suppression of selfishness and pleasure-seeking, of the desire to be emulated and the call of vanity; but just as the sailor in the midst of a storm raises his gaze to the North Star and, guided by it, steers his ship safely, so the just man, gazing firmly at his God's will in the midst of the storm of desires and vanity, determines his ordained course in thought and feeling, word and deed—and navigates safely through storm and high seas.

Although, however, the entire contents of your life are comprised in the word 'justice,' that part of your duties is specifically called 'justice' by which you do justice to your fellow-man. First, because most of our actions have reference to our fellow-men; secondly, because to our mind the claim to justice of those who are like us stands out most clearly; and, thirdly, because from this very likeness we can conclude readily, by consulting only ourselves, what is just in every case towards our brother, who is none other than another self. That is why the laws of justice towards man are specifically called מִשְׁפָּט, because they are in part but an expression of what man recognizes from his inner revelation to be the just claim of his fellow-man; or at least they are easily seen by him to follow from the concept of the fellow-man after they have been ordained by God. So that here justice is, as it were, latent in the human intelligence, without the specific command of the Torah, which—like a judge—only declares it. 328

Mishpatim, therefore, are God's pronouncements concerning those things which each man has a right—merely because God has created him a man—to demand of you, that is, to which he has a claim because he is a man. Hence every infringement of a *mishpat* is a sin not only against man but, for this very reason, also a sin against God; for you mock God by denying to a man that which God has allotted to him.

Man has a right, first, to everything which God has allotted to him by virtue of his very existence, such as life, health, mental and spiritual powers, liberty, honour, peace, happiness, etc.; secondly, to everything which he has acquired in accordance with his mastery over earthly goods which God has accorded to him. By *mishpatim*, therefore, God gives His imprint both to human existence and to human activity, and hallows it, since it was ordained by Him.

The Torah begins with *mishpatim* because you have the opportunity at every moment to do justice; and the pursuance of justice towards men is intended to lead you to do justice to all creatures.

- 329 Thus every man, as man, is born for justice. In the early history of mankind, however, selfishness and love of pleasure had silenced man's internal guide and had turned his ear from God's warning voice; he had forgotten to respect man as man and every living being as God's creature. It was then that God created Israel as His people amidst the nations, so that Israel might be the standard-bearer of human justice and realize it by his example, that he might 'keep the way of the Lord to do righteousness and justice' (Gen. xviii, 19). You, therefore, as man and Israelite, are doubly called upon to fulfil the image of justice, and to be just in all your ways. You cast aside man's and Israel's dignity if you are unjust to any creature about you or, killing yourself spiritually, are unjust to yourself.

And you, son and daughter of Israel, make yourselves replete with that justice which is demanded by the name which you bear, and show by just living what it means to be a man and an Israelite. Behold, even your tongue is so thoroughly created for justice that it does not know a term for 'to have,' but only . . . להיות ל-, 'to be for' someone, thus reminding you that human property is not what a man has in his power, but what is due to him.

'And it shall be justice unto us: to observe all this commandment before the Lord our God as He hath commanded us.'

45

RESPECT FOR THE HUMAN BODY

PROHIBITION OF MURDER, INJURY, BEATING

איסור רציחה והכאה

Thou shalt not murder.

EXOD. XX, 13.

If there be a controversy between men, and they come unto judgment and the judges judge them, by justifying the righteous, and condemning the wicked, then it shall be, if the wicked man deserve to be beaten, that the judge shall cause him to lie down, and to be beaten in his presence, according to the measure of his wickedness, by number. Forty stripes he may give him, he shall not exceed; lest, if he should exceed by one stripe, then thy brother would be dishonoured before thine eyes.

DEUT. XXV, 1-3.

Cursed be he that smiteth his neighbour in secret.

DEUT. XXVII, 24.

Every moving thing that liveth shall be for food for you; as the green herb have I given you all . . . Yet the blood of your lives will I require; at the hand of every beast will I require it; and at the hand of man, even at the hand of every man's brother, will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made He man.

GEN. IX, 3-6.

When God gave the sons of Noah beasts as well as plants to eat, and thus permitted the killing of animals, He said that all blood which sustains human life will be avenged, even of the beast which kills a man, let alone of a man whose brother he was: for God created man in His image. Do you not feel the sublimity of this saying? God gave the creatures on earth to man for him to transform, to use as the means for his purpose, since—as it were—He had created them for the service of man. But in man himself, even in his body, you must respect the Divine spirit which God has breathed into him so that he may in emulation of God dispose of his body and life on earth according to God's will. You must not deprive this Divine spirit in man of its bodily frame; the body belongs to this spirit, just as it in turn belongs to God. You must not sever the tie by which God has tied the body to the Divine spirit in man to the human soul. You must not kill! 330

All creatures about you were given to you by God for your use; and it is only because and when you need them for your use that you may dispose of them. But man must never and can never become the vehicle for another man's actions, because man is not a body but Divine

spirit to which God has given a body as a tool—woe if you violate it!

Man is God's revelation to the earth, his earthly frame God's temple, and the hand which kills a man destroys God's sanctuary and drives a Divine spirit away from the sphere of activity assigned to it by God; woe if you kill!

331 It must be understood that to be just towards man does not merely mean to be just towards hands, feet, heads or other members of the body; for they are not man but only man's possessions. The essence of man, being like unto God, is invisible, the personality or the soul, for which the body with all its members and forces is but a tool, and at the same time the means whereby it assimilates the physical world. If you rob him of this tool you have robbed him of everything that belonged to him of this earth. And he who kills a man destroys all the activities in him which he could have contributed to the physical world in the service of God. Hence, our Sages say, man was created singly in order to teach that he who kills a man destroys a whole world.

332 It is, however, not only the bond by which the spirit is tied to the body which you must refrain from destroying; even to injure one limb or part of a limb, or in any way to cause mutilation, weakness or pain, or in any other manner permanently or temporarily to render the body useless, is treason to the spirit which inhabits it and whose tool you have destroyed or impeded.

Again, to strike even without inflicting injury means to see in man only the body, to treat him as an animal and to dishonour him. The Torah has fixed the number of stripes even for the man who, disobeying his spirit, has by deed transgressed the limits which his spirit has set him in accordance with God's law, and to whom the stripes are now meant to bring home that he has become an animal which is to be chastised—and you, to satisfy your temper, would strike your brother? Even he, the Torah teaches, who only lifts his hands with the intention of striking his brother is called 'wicked.'

333 You must not kill. You must not directly or indirectly endanger a man's life. You may only kill one who intends without doubt to murder you, if there is no other way of preventing him. Similarly, if you witness a man intending murder or the violation of another's chastity, and you can save the physical or moral life of the attacked only by killing the attacker, you may kill the latter. However, wherever possible you must warn him first; and where you can save the attacked by destroying a limb of the attacker you must not kill.

Again, you must not save yourself or another by taking the life of a third person who does not threaten either of you (Ch. M. 425).

To accelerate the death of a dying person, by taking away a pillow, etc., or by otherwise moving or touching him, is murder (Y.D. 339).

Do not strike or injure, do not cause mutilation, pain, sickness or other physical impairment, by physical force, by an implement, food, shock or other means.

Never lift your hand to strike your neighbour. Only if you see your brother lift his hand to strike his fellow may you, if you cannot help yourself, prevent him from sin by beating him. Similarly, a father may prevent his son, or anyone prevent those in his or her care, from sin, and if necessary beat them, for chastisement and education, without summoning them to court. Otherwise, however, you may strike only in defence, but never in revenge or ill will, or you are called 'wicked' (Ch. M. 420, 421).

46

RESPECT FOR HUMAN PROPERTY

PROHIBITION OF STEALING, ROBBERY, WITHHOLDING [POSSESSIONS]

איסור גניבה, גזילה, עושק

Ye shall not steal.

LEVIT. XIX, 11.

Thou shalt not covet thy neighbour's house; thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's.

EXOD. XX, 14.

Thou shalt not oppress thy neighbour, nor rob him; the wages of a hired servant shall not abide with thee all night until the morning.

LEVIT. XIX, 13.

Do not withhold the wages of a hired servant, the poor and needy, whether he be of thy brethren, or of thy strangers that are in thy land within thy gates. In the same day shalt thou give him his hire, neither shall the sun go down upon it; for he is poor, and setteth his heart upon it; lest he cry against thee unto the Lord, and it be sin in thee.

DEUT. XXIV, 14-15.

If a man steal an ox, or a lamb, and kill it, or sell it, he shall pay five oxen for an ox, and four lambs for a lamb. If a thief be found breaking in, and be smitten so that he dieth, there shall be no blood-guiltiness for him. If the sun be risen upon him, there shall be blood-guiltiness for him—he shall make restitution; if he have nothing, then he shall be sold for his theft. If the theft be found in his hand alive, whether it be ox, or ass, or lamb, he shall pay double.

EXOD. XXI, 37-XXII, 1-3.

If any one sin, and commit a trespass against the Lord, and deal falsely with his neighbour in a matter of deposit, or of pledge, or of robbery, or have withheld anything from his neighbour; or have found that which was lost, and deny it, and swear to a lie; in any of all these that a man doeth, sinning therein; then it shall be, if he hath sinned, and is guilty, that he shall restore that which he took by robbery, or the thing which he hath withheld, or the deposit which was deposited with him, or the lost thing which he found . . . And he shall bring his guilt-offering unto the Lord. LEVIT. V, 21-25.

And God created man in His own image, in the image of God created He him; male and female created He them. And God blessed them; and God said unto them: 'Be fruitful, and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that creepeth upon the earth.' GEN. I, 27-28.

And thou shalt speak unto the children of Israel, saying: If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter. And if he have no daughter, then ye shall give his inheritance unto his brethren. And if he have no brethren, then ye shall give his inheritance unto his father's brethren. And if his father have no brethren, then ye shall give his inheritance unto his kinsman that is next to him of his family, and he shall possess it. And it shall be unto the children of Israel a statute of judgment, as the Lord commanded Moses. NUM. XXVII, 8-II.

- 334 Just as God gave a body to the human spirit as a tool for his human activities, and the body must be respected for the spirit within it; so He gave him the earth with all that is on it and that belongs to it so that he may freely acquire it and dispose of it according to his destiny.

As soon, therefore, as a human being states that he has acquired something which belongs to the earth and comes within the realm of his body, it becomes his own as much as the body which God has allotted to him. All that is his own which this earthly creature produces. Just as he freely acquired it, so he can dispose of it freely. Only if he gives up his right to it—either in general terms, so that it reverts to the earth (הפקר), or in favour of a stated person by gift, sale, loan, etc. (נתינת חסד)—can it be acquired again, in the first case by any, and in the second by the stated, human being. And if God recalls a human being from the earth, it is His law that those who acquired life through him should also through him acquire the means of living and working; and if there are none, it reverts to those that gave him life; and if these are no more, then to their heirs, etc. (laws of inheritance—ירושה).

Whatever, therefore, a human being calls his own by virtue of the Divine authority, whatever, that is, he assimilates from Nature, or whatever another human being has yielded his right to in his favour by

Respect for Human Property

means of sale or gift, or what comes to him as an heir, and whatever these produce, must be respected by all men as his, that is, as due to him, and must not be touched without his agreement. In other words, any earthly product adapted to use by a human being is his property.

Therefore, just as it is God's command that thou shalt not kill or injure, 335
that thou shalt respect the body for the Divine spirit within it, so also is it God's command that thou shalt not steal or rob. You must respect all human property, even though it may be under your control, because of the human spirit which owns it and because of the Divine order by virtue of which it is his; for property is but an artificial extension of the body.

If you steal or rob you sin not against matter but against the invisible human spirit which hovers over it, and against God, Who demands of you respect for the human spirit and its property. Human concurrence shall be ruled not by the visible or by force, but by the invisible, by ideas and right, the action of the human spirit authorized by God. If you steal or rob, you at once defile the spiritual destiny of man and God, Who has destined him for it. You reduce man to the level of the beast which knows only force; nay, beneath the level of the beast, which applies force only by Divine command, while He has destined you for higher things.

Just as you must not steal or rob, so you must leave property to its 336
owner. You must retain nothing that belongs to your brother, that is, you must give him the things belonging to him and which are under your control; whatever he has handed into your control without giving up his right in it, whether for safekeeping, for work on it, or for temporary use such as on loan or hire; likewise, whatever of his property has come into your control not by his intention, such as by finding; likewise, anything of yours to which he has acquired a right, whether it be that you have to compensate him for property which he has made over to you or for services which he has rendered you, such as for purchase or loan, or wages for services or labour performed; or whether you have to make good with your property the amount by which *his* property has been reduced through you, such as compensation for damage. All these things you must not regard as yours, but prove that, being a man, you respect right and not might; you must respect them as his and restore them to him.

You will now have realized that it is not material how large or how 337
small is the object which you may steal, filch or withhold, no matter how long and from whom you do so. However minute the object, whoever the victim, as long as it is a human being, you commit treason against the human spirit and insult God's Name. The largest and the

smallest things which man calls his own shall be sacred to you. You shall have respect for the Divinely given human spirit, and not dare to lay hands on God's sanctuary by appropriating what belongs to your brother.

The Torah forbids the stealing of the smallest object. If, however, it is so small as to have no value, for instance, if someone takes a splinter from a bundle of hay or from a fence to use as a toothpick, it is not legally prohibited, but our Sages recommend that it should not be done, remarking that if everyone did this there would soon be nothing left of bundle or fence. He, however, who steals an object worth as little as a farthing has, as it were, stolen someone's life.

Nor must you steal in fun or for a joke. Do not take any object from its owner without his consent, even only for momentary use and with the intention of returning it immediately, for that would be theft for the moment (*cf.* also O. Ch. 14).

You must not take anything from its owner, even though you intend restoring it a thousandfold.

To force anyone to part with his property, even against payment, borders on robbery. He who induces his neighbour, by excessive entreaty, insistence, etc., to sell him any of his goods which he covets, transgresses against the command: 'Thou shalt not covet.' To take a pledge from a debtor by force, without resort to the courts, is in effect to commit robbery.

It is immaterial from whom you may steal, filch or withhold, be it an Israelite or a non-Israelite, a heathen or idolator, an adult or a minor, in every case you have transgressed against a Divine prohibition and are in sin until you have restored it (Ch. M. 348, 349).

You must pay taxes and dues which legitimate princes or authorities have ordered by fixed laws, even if they are assessed higher on the Jew than on the non-Jew, as long as tax and dues collectors do not exceed the laws thus laid down. Smuggling or similar offences against legitimate tax authorities are in no wise better than theft (Ch. M. 369: 6). If you do not return on request, although able to do so, an object in your possession with the owner's knowledge, *e.g.*, a debt or a loan, you have committed robbery (Ch. M. 359).

If clothing, etc., has been confused in a laundry, or in company, etc., you must not use the object in your possession and must restore it to its owner, even though yours has not yet been returned to you (Ch. M. 136).

The artisan must return the balance of any materials given him to work with, unless it be such a small quantity as according to local usage the artisan may retain (Ch. M. 358).

If a man be in danger of his life and needs his neighbour's property to save himself, he may only use it with the intention of returning it (Ch. M. 359).

You must not buy thieved or stolen goods from a thief or robber. The sin is the same: for by buying them you further the cause of evil and may cause a repetition of the act. For if the thief could not find a buyer for his stolen goods he would ultimately no longer steal. Thus, to be an accessory to theft is as great a crime as the theft itself (Ch. M. 356: 1, 369). You must not buy anything which you have reason to suppose is stolen, whether the supposition refers to the object in question or to the majority of the group of which it forms part. Thus, you must not buy things from a shepherd, a watchman, a man hired by the day or a craftsman, if it is usual for them to steal such things entrusted to their care. You may buy things from women, servants or children only if you may safely assume that they are their own property (Ch. M. 358). 338

You may not even use an object which you know to have been stolen. Thus, you may not ride an animal which has been stolen, or use it for work in the field; nor may you or your animal take temporary shelter against the weather in a field or house acquired by robbery (Ch. M. 369).

The four- or fivefold payment (for theft) ordained in the Torah is a fine, and must be imposed only by a judge; but you must restore or repay the actual value of a stolen object if you wish to make restitution for the crime and obtain Divine forgiveness. 339

A thief, whose theft has come to the knowledge of the owner of the stolen object, is not deemed to have made restitution for his offence, even though he has restored the object, so long as the restoration has not been brought to the owner's notice as well; because, not knowing of its return, he will in the first place not take measures for its protection and in the second its use remains 'stolen' from him until he knows that it is again in his possession. In the case of animals, the act of restoration must be brought to the owner's notice even if he did not know of the theft, because animals have become accustomed to new surroundings by the theft and therefore require particular care. Generally, restoration is complete only when all the defects arising from the offence have as far as possible been corrected (Ch. M. 355).

If the stolen object is available you must return it. If this is not possible you must pay its value. If the owner has died you must restore or repay it to the heirs (Ch. M. 367).

Loans must be repaid punctually at the time they fall due. If no time was arranged, and there is no local usage in the matter, a loan is tacitly for thirty days. If it is at all possible you should return a lump sum lent to you, not by small instalments but as one sum (Ch. M. 74). 340

Do not retain without purpose any money lent to you. Do not put off your creditor until the morrow if you are able to pay today.

Do not use borrowed money in a manner in which there is risk of total loss, unless you have the creditor's permission. Do not be careless with borrowed money (Ch. M. 97).

341 Any wages for work done must not be withheld by the master beyond the time for payment, whether it be the hire for the man hired by the day, payment for hired animals or tools, or the wages of a craftsman when his task is completed. The time for payment is never later than the end of the day on which the wages are due; *e.g.*, the man working until nightfall or into the night must be paid before sunrise, and if working until sunrise or into the day he must be paid before nightfall. Likewise, a craftsman must be paid by the end of the day on which his task is completed. A man hired by the week, month or year must be paid by the end of the day on which he is leaving. You offend against this law only if the worker has requested payment. If the circumstances are such that the worker did not, when commencing, expect payment immediately on completion of his work, there is no offence; but as soon as the time arrives when he expects payment do not delay paying, for it is said, Do not say unto your neighbour, 'Go, and come again tomorrow, I shall pay you then,' if you can pay today. He who withholds the hireling's hire is like unto him who takes his life (Ch. M. 339).

342 We saw in paragraph 334 that you may only appropriate property which is in some human's possession if he gives up his right to it, so that it has become free to you or anyone else. If, however, the giving up of such right was to be for the future only and was further made dependent on the non-fulfilment of a condition, the fulfilment of which is partly in his power to bring about and partly not; and you are certain that the promise was made only because the owner hoped that by bringing about the fulfilment of the condition he would retain his property, then he has not—even if the condition is not fulfilled—given up his right to his property freely and completely; if then you take it, you have committed robbery. Such a transfer of property is called *asmachtha* (אֲסַמַּכְתָּה), 'relying,' because the property was promised you on the happening of one of two possible events in the owner's hope that he could bring about that event by which he would be entitled to retain his property. In particular this applies when the proposed renunciation of property is not in any way related as a matter of law to the non-fulfilment of the condition—*e.g.*, is not compensation for damage.

According to most authorities the following are examples of this: money won in games of skill or physical competitions, although the condition here is mutual. *Asmachtha* does not, however, include games of chance, for in pure games of chance property must be given up

Respect for Human Property

beforehand, because the owner's skill can do nothing to safeguard his property. However, our Sages have prohibited as a *se'yag* (cautionary prohibition) the taking of money won in such games (for the impermissibility of gambling see para. 495).

The following are included by Rabbinical edict in the orbit of theft: setting up dovecotes in the neighbourhood of others, because the doves flown out will bring back strangers; acquiring what has not yet actually passed into another's possession but was intended to do so, *e.g.*, a beast caught in an unsecured net, fruit which a poor man has shaken off a tree set aside for the poor but not yet gathered, and similar cases (Ch. M. 207, 370).

In sum, be just, and let your path never appear even remotely to deviate from the straight, just and decent road.

Parents and educational authorities must watch over children from an early age, so that the sanctity of property may be instilled in them, and should not spare the rod in serious breaches (Ch. M. 349: 5). To nibble at sweets, to take pins, a pen, pieces of paper or ribbons, to read a book without the owner's permission, these things—which are properly theft—are often done by children unwittingly. You to whom a childish soul is entrusted must therefore watch over it, accustom it in its small world to justice, and it will surely practise it in the larger world. 343

47

JUSTICE IN TRANSFER OF PROPERTY
AND IN SERVICES

מקח וממכר, שכירות, הלואה, אומנין, שומרינן, שליחות וכו'

And if thou sell aught unto thy neighbour, or buy of thy neighbour's hand, ye shall not wrong one another. LEVIT. XXV, 14.

And ye shall not wrong one another; but thou shalt fear thy God; for I am the Lord your God. LEVIT. XXV, 17.

If a man deliver unto his neighbour money or stuff to keep, and it be stolen out of the man's house; if the thief be found he shall pay double. If the thief be not found, then the master of the house shall be brought unto the judges, to see whether he have not put his hand unto his neighbour's goods. EXOD. XXII, 6-7.

If a man deliver unto his neighbour an ass, or an ox, or a sheep, or any beast, to keep, and it die, or be hurt, or driven away, no man seeing it: Then shall an oath of the Lord be between them both, to see whether he have not put his hand unto his neighbour's goods; and the owner thereof shall accept it, and he shall not make restitution.

EXOD. XXII, 9-10.

And if a man borrow aught of his neighbour, and it be hurt, or die, the owner thereof not being with it, he shall surely make restitution. But if the owner thereof be with it, he shall not make it good; if it be an hired thing it came for his hire.

EXOD. XXII, 13-14.

- 344 The laws which follow are, for the most part, of the judicial kind and thus, though they belong to the theme of these essays, are only just within the limits which reasons of space dictate.

Let it suffice for us to set forth the principle on which they are all founded and select for the elucidation of each one that which enlightens us about our general duties.

The principle of justice, however, on which they all rest is: Give fully unto thy neighbour that portion of thy possessions, that is to say, that share of thy goods, which is his due and which thou hast ceded unto him.

However, every assignment of a right in anything that belongs to you is based on a decision of the will of man entitled by Divine authority freely to dispose of his body and his property; and this decision, as we shall see, is completed only by the word which gives expression to the human mind (the word being accompanied by external action only when a tangible thing is the object); therefore the above-mentioned

principle can be embodied in the following rule, of which we shall find various applications:

Pay respect and be faithful to the human word and whatever it may be represented by: it is the purest expression of yourself; in it do you respect, or kill, your own self.

That in which you have given your neighbour a right is either part of your property, such as, for example, land, produce, an animal; manufactured goods, such as, for instance, a house, clothing, utensils, etc., and money which represents any of these goods; or the function of your own physical or mental faculties, such as thought, word, skill, energy, etc. 345

You must give to your neighbour of your own property, (1) as compensation for what he has given or is to give you out of his own property—buying and selling; (2) as an increase of his property which you have promised—a gift; (3) for his use, with or without recompense—letting or lending; or, on the other hand, the return from property and compensation for its use—rent; or compensation for effort—wages; (4) for full consumption and later replacement by its equivalent—loan (or, on the other hand, its repayment).

You have given your neighbour a claim on the operation of your mind or your body: (1) for a certain period—service, wages; (2) for the transformation of a given object for a special purpose—handicraft, art, instruction; (3) for the representation of your neighbour—agent.

In all these cases, with your property and your labour, do exactly that which your neighbour has a right to expect. Firmly as upon Mother Earth must he be able to lean upon you and your word and never suffer disappointment through an encroachment on his rights.

An article passes from its free and ownerless state into man's ownership and becomes part of his personality (according to the Hebrew conception, absorbed by his personality, carried, קנה, whence קנה, 'pipe' and 'carriage-shaft') by real and physical seizure by that personality, (1) by taking it up, the literal קנה (הגבהה); (2) by drawing it from its original location towards oneself (משיכה); (3) by bringing it within the orbit and the sphere of influence of his artificially extended personality, such as in his house, courtyard, etc. (חצר); (4) or finally by open manifestation of his dominion over it—*e.g.*, by productive transformation of it, etc. (חזקה). However, all this must be the manifestation of his presumed or actual will of acquisition; for it is only through man's manifest act of designation that the free and ownerless object becomes man's property (Ch. M. 273, 268). But once it has thus been seized by a man's personality—*i.e.*, has become his property, it must be respected as such by all other human beings; and only through the proprietor's free determination 346

can it either return to its ownerless state or pass on to another person. The latter happens through man's freely spoken or embodied word accompanied by a corresponding external action. (1) Embodied: written down and handed over to him who is to succeed in the ownership (שטר); (2) by word of mouth and one of the above-mentioned modes of acquiring possession; (3) or he who transfers his property, after his verbal declaration, accepts in consideration of it, symbolically, from the transferee any useful object, though only as temporary property (חליפין—*chalipin* or קנין סודר—*kinyan sudar*). These modes of transfer are not indiscriminately applicable to all objects; in particular a distinction is to be made between goods which are separated from the soil (movable property) and goods which are attached to the soil (immovable property); as well as between things and the value of things; property and services. When an owner transfers his property to another without consideration—gift—this is done by one of the above-mentioned modes of transfer; however, when he transfers property only against a consideration (money)—sale—the transaction is, according to the law of the Torah, completed as soon as the consent is uttered and the price accepted as consideration, although none of the four modes of acquiring possession mentioned above has been carried out. However, as far as movable property is concerned, our Sages have for certain reasons subjected the acquisition of property to the observance of the four methods by which possession of ownerless goods can be acquired (Ch. M. 189ff.).

347 Except in the case of acquisition by *chalipin*,¹ every acquisition of property is completed with the action, and the article bears the name of the new owner after the lapse of such a period of time as it is possible to attach a predicate to a subject (שלום עליך רבי); therefore, also, to visualize the article under its new ownership. Within this period of time (תוך כדי דבור) rescission is still possible; for the appropriation has not yet taken effect on the article as long as it is not possible to visualize it. But where the transfer does not actually take place with regard to the article, but is to be made manifest consequent upon another act, such as, for instance, in the case of *chalipin*, the passage of ownership is not completed as long as the relationship is still being negotiated (Ch. M. 195).

348 These are the principal rules of the Torah concerning the modes of acquisition of property. But just because the conception of ownership derives from man's unfettered authority over this earth which God has subordinated to him, every decision which one person or several

¹ Or *kinyan sudar* (see para. 346), the symbolical form of making an agreement binding by handing over an object from one to the other of the contracting parties.—Ed. Note.

persons have made with regard to their property must be respected by all; for it is in this conception that they respect the human personality. Consequently the law allows full freedom of regulation for all relationships concerning property. And, in particular, whatever is laid down as the law or custom of property by an association of human beings, a commune, a city, country or State, must be observed as binding by all the members of that community; for the word, the principal means of establishing ownership, owes its content and meaning to society, and the idea of ownership has its roots and safeguards only within this society itself. Force and violence rule in Nature; but between man and man the law is supreme; and only by standing united can human society represent and enforce the invisible and, in itself, powerless law against violence which scorns human personality. It is therefore our duty to make ourselves familiar with the law on contracts of sale, donations, and property of the country and the city in which we live and to observe them as inviolable law. *מנהג המדינה, הפקר בית דין* (Ch. M. 201 and *passim* in Ch. M.; see also Y.D. 165; *Shach*, 8).

Even after the word has been spoken and, according to *takanah*, even 349 the money has been paid, property has not passed and rescission is still legally possible as long as the appropriation has not been completed by one of the prescribed legal forms of acquisition. Nevertheless, once the money has been accepted or even if the buyer has merely designated the merchandise, either of the contracting parties who makes use of the legal right of rescission exposes himself to the 'displeasure of Him Who showed at the time of the Flood, at Babel, at Sodom and Gomorrah, and in Egypt, that He looks at man's actions and punishes those who do not stand by their word,' which has thus already become a deed (*מי שפרע*).¹ But even if nothing has happened but words, if you have only said that you intended to buy or sell, etc., thus not having exposed yourself to the Divine displeasure, you yourself should have respect for your word, or otherwise incur grave censure and deserve the name of 'unfaithful'; for unfaithful is he who does not honour his word. If you have promised something to somebody in such a way that the other was expected to rely on it, it means breaking your trust if you do not keep your word (Ch. M. 204).

When you come to stand before God on high, our Sages say, to give 350 account of your life, the first question will be, 'Have you always been true to your word; were you honest and upright in all your dealings?'—and woe betide those who will then have to lower their eyes. Do not

¹ See Mishnah *Baba Metzia*, IV, 2; B. Talmud, *Baba Metzia*, 44a, 48a and b; further, Additional Note D., Vol. I, p. 275.—Ed. Note.

say, 'But, see, it is only a "word".' Do you not see that human society is founded on the word and on the confidence in and respect of the word; that the purest expression of man is his word, that with this word he completes his earthly task and that to discard reliance on the word is to discard one's very humanity?

- 351 *Buying and selling, etc.*: Do not take undue advantage by selling above or buying below value. Avoid even the smallest dishonesty. As soon as the excess profit amounts to one-sixth of the value or the price, this one-sixth should, according to Jewish law, be returned; and if it is more than one-sixth then the whole transaction is void, unless the victim has knowingly and deliberately conceded it (Ch. M. 227).

You shall not retain coins that have been worn down by one-twelfth of their worth, as this may easily result in disadvantage to others; you must not sell them to shopkeepers or traders. You shall not use them as weights or put them among old silver, but must melt them down or drill a hole in the centre, but not at the side. But if they are worn down by half, deception is no longer possible and it is permitted to retain them (Ch. M. 227). Every big or little fraud in buying or selling is forbidden. Do not give your goods a deceptive appearance so that they seem better than they really are. Do not mix bad with good merchandise, old with new. Things which can be tasted before they are bought and which each buyer tastes before he buys you may mix. Do not let the upper layer be better than those underneath (Ch. M. 228). Let there be no more tares in your goods than is normal. In general, observe in these and similar cases the local trade customs (Ch. M. 229). Do not sell damaged goods as perfect, nor goods that are unsuited for their purpose as suitable (Ch. M. 232). Whoever steals a march upon someone in a sale or hire of something, after they have come to terms, is called 'wicked' (רשע) (Ch. M. 237).

- 352 *Letting, hiring, lending, etc.*: Whatever you rent out shall be suitable for the purpose for which it is rented. Do not plough by night with your animals and then hire them out by day, and so forth (Ch. M. 307). Every duty, custom, law or condition by which you are bound as a landlord or tenant carry out truly and honestly (Ch. M. 314). That which you lent for an unspecified period you may demand back at any time; but what you lent or hired out for a specified time or job cannot be demanded back before the end of the period or the completion of the job (Ch. M. 341). That which you have hired or borrowed you must not rent or lend to others, except in the case of a house, and then only for the same purpose as it was let to you (Ch. M. 307, 316, 342).

That which you have hired or borrowed you must use only for such work and in such a manner as the law and custom and the contract

permit; you must not overload a beast (Ch. M. 308) nor work it excessively (Ch. M. 309); the same holds good for any object (Ch. M. 311, 341). All this is embodied in the commandment 'Thou shalt not steal,' for any use of another's property to which you are not entitled is theft.

Borrowing, lending: The debtor's duty to repay lies in the pronouncement 'You shall withhold nothing.' (See paras. 336, 340, 341, where are also to be found further duties of the debtor.) Here we add: if somebody makes a firm demand upon you, be it regarding a loan or be it concerning goods committed to your care, if you are in doubt and uncertain whether you should refuse the claim or not, even though the court releases you, if you wish to be right before God, then pay it. The same holds good when, even if not called upon, you cannot be sure whether you have returned a loan or that which was entrusted to you (Ch. M. 75). You must not keep in the house any promissory note that has already been paid, unless its cancellation is plainly shown; you might die and your heirs might unjustly demand payment again (Ch. M. 57). 353

Service, casual labour, etc.: As to their hours of work, board and wages, 354 you must treat your servants and journeymen according to law, custom and the terms of contract (Ch. M. 331). Once the contract has been concluded, even if only verbally, any rescission, if it is to your advantage, is a breach of trust (Ch. M. 204, 333), and once the service has been entered into and rescission would be to the disadvantage of the other side, it is unlawful even if no payment of wages is stipulated; illness and other compelling reasons provide, of course, exceptions to this rule (Ch. M. 333). If you are employed for some service, be it manual labour or intellectual work, you must carry out your task punctually and faithfully according to law, custom and the terms of contract. You must not engage in any other activity during your contractual hours of work. If you have to perform intellectual work, for example, teaching, in order to keep mentally alert for your task you must not go short of sleep or food (Ch. M. 333). If your obligation consists in physical labour, you must not work during the night while giving your service to somebody else during the day, nor go short of food, not even in order to give it to your family; for by impairing your physical strength you are committing a breach of trust against those who are entitled to your service. A servant must not interrupt his work at an inopportune moment, but shall work diligently and honestly all the time and with all his energy according to his obligation (Ch. M. 337).

Custody: If an article has been deposited in your house with your permission (and you have accepted it) you have tacitly agreed to its 355

custody; but if deposited outside your house, this applies only if you have actually assumed its custody or have at least said: lay it down before me; and you are responsible for it. The Torah makes three distinct cases: (1) custody free of charge (שומר חנם); (2) custody against payment (שומר שכר); (3) custody of articles which are lent free of charge (שואל). In the first case you only receive it into the sphere of your personality and promise *attention*; you are responsible, therefore, only for *conversion*. In the second case you promise *action* and *presence*, and you are responsible for theft and removal, but not for damage, robbery with violence, etc., if you were present and it was physically impossible for you to avert the damage. In the third case you completely assume the position of the owner, and if the article perishes, breaks, etc.—unless this happens through your using it legitimately—it perishes, breaks, etc., as though it were yours and you have to replace it. However, in any case, if you have not duly kept and guarded it or, in the first and second case, if you have only adopted it for your own use (if this use implies only the slightest wear and tear) or if you have actually used it, even without any wear and tear (in which case you are a thief, see para. 337); in all these cases you are fully responsible for whatever happens to the article (Ch. M. 291, 292, 340).¹

If the conditions of custody and responsibility have been stipulated expressly on taking charge of the article, those conditions govern (Ch. M. 291). Any custodian who does not know where he has left the article with which he is entrusted has committed conversion and is responsible for its immediate replacement according to the law of the Torah. The same applies when thieves have stolen it without his having called for help. Likewise when he has not stored it in the same way as he would do with his own goods of the same nature, at the same time and in the same place. He who entrusts you tacitly with an article extends his trust also to your wife and other adult members of your household, unless stated otherwise at the time of delivery (Ch. M. 291). What you have taken in trust should be sacred and inviolable; even the slightest attempt to use it is a breach of trust, the slightest degree of wear and tear is theft, whether it has been committed by yourself or one of your agents. You must not mix with your own produce that which has been deposited with you; do not touch it if it

¹ The Torah contains the strange statement that if in the moment of your assumption of custody the owner of the article was your servant (בעליו עמו) you have tacitly declined any responsibility. The underlying principle of this rule seems to the author, so far, to be incomprehensible. Should it be that implicitly nobody assumes more responsibility for material possessions than he has assumed for the physical fitness of a servant who owns them; for example, if your servant tacitly hires out to you an article does he implicitly demand a degree of responsibility for his property which is not higher than that for the damage which his body suffers during his service? Elucidation of this point would be very desirable. In the *Commentary* on Exodus we have decided in favour of that interpretation and given ample justification. (Author's Additional Note in 2nd Edition of *Horeb*.)

does not suffer more than the ordinary wastage; if the wastage is more than normal and the owner is in the vicinity, notify him accordingly; if he is not, have it sold by public auction; the same applies when it has become rotten or otherwise damaged; but do not touch it before that has happened. He who puts such goods up for public auction must not buy them himself, because this would appear suspicious. If the owner of goods in your custody is absent and out of your reach for an unforeseeable time, you must do whatever is necessary for the preservation of the object, for instance, air clothing, etc. (Ch. M. 292). A paid custodian has not discharged his duty by calling out for help in case of robbery, etc., but he must actively try everything possible to procure the assistance of other people, even if he has to pay for it up to the value of the goods in his charge, and he is entitled to leave them to their fate only if this is sanctioned by law, custom or express stipulation (Ch. M. 303). Artisans are considered paid custodians with regard to the material supplied to them for being made up; the hirer of an article is in the same position (Ch. M. 306, 307). He who has received an article as a pledge or who has found an article has to exercise the same care as a paid custodian, although his responsibility is only that of an unpaid custodian (Ch. M. 72, 267). Special care is required in the case of acceptance of goods for custody from married women, domestic servants and minors, and the bailee must be satisfied that they are the owners (*Tur O.* Ch. 86). (See also chap. 85 regarding the duties concerning another person's property in peril.)

Agent: Being an agent means: putting at another person's disposal one's word and action for the performance of a certain task, giving, so to speak, one's body to the personality of another person for a certain purpose. The agent, therefore, represents the principal; what you say or do on behalf of the other is attributed to the latter's personality (not, of course, such executions of duty as amount to a religious dedication of the person's character¹); yet you are personally responsible for the legality or illegality of the act. You may become an agent for any purpose except one that is prohibited to you; for how should you be allowed to do by man's bidding what God has forbidden? It is therefore no excuse for a wicked act to say that it was done by another's orders. But he who makes use of a minor, or a person who is not accountable for his actions or is unaware of the implication of the action, for an illegal act, is wholly responsible for the act to the exclusion of the agent. The assumption of a mandate, being an act of direct self-dedication, is completed by word alone. Once you have accepted a mandate you must carry it out strictly according to the principal's wishes; as soon as

¹ For example, the putting on of tefillin: a duty which cannot be performed by one person on another's behalf.—*Ed. Note.*

you deviate from them your authority becomes null and void (Ch. M. 182). If you do in your own interest what you have undertaken to do on another's behalf, you are guilty of fraud. If you buy on another's behalf and you receive more than the normal amount of goods, and if the purchased goods have no generally established market price, it is for the benefit of your principal; but if they have a generally accepted market price, you are entitled to an equal share of the surplus (Ch. M. 183).

48

MEASURING AND COUNTING

מדה ומספר

Ye shall do no unrighteousness in judgment, in meteyard, in weight, or in measure. Just balances, just weights, a just ephah, and a just hin, shall ye have: I am the Lord your God, who brought you out of the land of Egypt. Therefore shall ye observe all My statutes, and all Mine ordinances, and do them: I am the Lord.

LEVIT. XIX, 35-37.

Thou shalt not have in thy bag diverse weights, a great and a small. Thou shalt not have in thy house diverse measures, a great and a small. But thou shalt have a perfect and just weight; a perfect and just measure shalt thou have; that thy days may be lengthened in the land which the Lord thy God giveth thee. For all that do such things, and all that do unrighteously, are an abomination unto the Lord thy God.

DEUT. XXV, 13-16.

- 357 Services which you must give to your neighbour can only be examined and appraised on whether they correspond fairly and reasonably with the task whose performance you have undertaken; but what material things you must give him can be determined more accurately by measuring, weighing and counting and thus be perfectly right by human judgment. When you measure, weigh or count any goods being delivered to your neighbour, that is to say, when you have to state their size, weight or quantity as known to you, you must not be dishonest in such statements. Just as a judge with regard to human beings, so you with regard to commodities for human beings have been entrusted to pronounce judgment; you are trusted to ascertain and determine for others. Yours, too, is a verdict, the most general, the most far-reaching occurring within any sphere.

Do not do injustice in such a pronouncement! I, *HaShem*, am your God. 358
 He, Himself Justice and Truth, with His justice and truth be the Guide of your thoughts, words and deeds towards truth and justice. He Who has led you out of *Mitzrayim*; Who has taught you that He is Creator and Lord and omniscient Judge of mankind, and Who wants to be your God so that you might be His servants and spread His authority by your exemplary life; He, your Creator, has created you in His image to be true and just like Him; He, your Lord, has made truth and justice the conditions of your weal; He, your God, has chosen you to preserve truth and justice in precept and life; would you give the lie to the commands of your Creator, would you not fear the omnipotence of your Lord and His all-seeing eye, which one day will call you to account; would you scorn the high mission for which God has chosen Israel—by giving false measure? If you were to turn truth and justice into lies and deception you would be *תועבה* ^{ה'}, detested by God, for He could no longer acknowledge you as His image—and how could you then still claim to be part of *עמו ונחלתו*, to belong to His people and to His estate? You would have lost your human dignity, and yet still want to be a Jew? Would not God's Name be desecrated if He let you prosper? Therefore our wise men say: he who professes the *mitzvah* of honesty in measuring professes the Deliverance from *Mitzrayim*; but he who denies the former, also denies the latter and shall be given five names: Scoundrel, Hated, Abomination, Sub-Human, Detested; and he causes five things: Pollution of the land, Desecration of the Name of God, Alienation of God, Delivery of Israel to the sword, and its Expulsion from its country. Therefore, whoever gives false measure or weight violates this command and calls down upon himself such names; he who does it to the disadvantage of a non-Jew, violates the command, calls down upon himself such names, and, in addition, violates the law by desecrating the Divine Name (see chap. 97).

The unwritten law directs you to avoid any possibility of error in 359
 weight or measure and to exclude from your house any defective measure, be it even for another purpose, unless it is clearly marked as distinct from lawful measures; to grade weights and measures in $1/1$, $1/2$, $1/4$, $1/8$ units, *i.e.*, in such a way that each one is always the double of the next smaller one, and therefore easily recognizable to the eye; and not in units of $3/4$, $1/5$, $1/3$, etc., because of possible errors; in measuring liquids, to avoid making foam, as this causes the inclusion of air bubbles in the measure; to have the weights and measures made with mathematical accuracy and to keep them clean and unaltered in this state (for instance, he who weighs liquids must clean the weights at least once a week, the receptacles after every usage); in weighing, to let the scales swing freely; to take into account the possible influence

of the temperature on the measures; to avoid even the appearance of dishonesty and, whenever possible, to let the buyer control the correctness of your measuring. The same duties apply to counting, and both buyer and seller must be honest in counting. Even years after the event one is obliged to return whatever has been acquired unlawfully through error. Even he who, without himself cheating, derives any benefit from the other party's error in measuring or counting, regardless of whether the other is a Jew or a non-Jew, violates the law and calls down upon himself dishonour and damnation. Without any distinction, any fraud in counting, or exploitation of an error in counting, is *assur*, regardless of whether it has been to the disadvantage of a Jew or non-Jew; you must be just even with a scoundrel, even with a non-Jew who oppresses you; and as regards non-Jews, in addition you violate the law regarding *chillul HaShem* (see chap. 97) (Ch. M. 231, 232, סמ"ג ל"ח 152–end), which is punishable by death. Reparation for dishonesty in measuring and weighing is difficult and can never be perfect because one can hardly know all those who have been cheated; hence our *Chachamim* charge him who wants to repent and be free from his state of sin to use the illicit gains for the common weal, as this is the only way in which the unknown sufferer may regain the benefit of his property.

RESPONSIBILITY FOR DAMAGE CAUSED BY
PROPERTY OR PHYSICAL FORCE

נויקין

(a) By animate property

If a man shall cause a field or vineyard to be eaten, and shall put in his beast, and shall feed in another man's field; of the best of his own field, and of the best of his own vineyard, shall he make restitution.

EXOD. XXII, 4.

And if one man's ox hurt another's, so that it dieth; then they shall sell the live ox, and divide the money of it; and the dead ox also shall they divide. Or if it be known that the ox hath used to gore in time past, and its owner hath not kept it in; he shall surely pay ox for ox, and the dead beast shall be his own.

EXOD. XXI, 35-36.

(b) By inanimate property

And if a man shall open a pit, or if a man shall dig a pit and not cover it, and an ox or an ass fall therein, the owner of the pit shall make it good, and give money unto the owner of them, and the dead beast shall be his.

EXOD. XXI, 33-34.

If fire break out, and catch in thorns, so that the stacks of corn, or the standing corn, or the field, be consumed therewith; he that kindled the fire shall surely make restitution.

EXOD. XXII, 5.

When thou buildest a new house, then thou shalt make a battlement for thy roof, that thou bring not blood upon thine house, if any man fall from thence.

DEUT. XXII, 8.

(c) By physical force

And if men strive together, and one smite the other with a stone, or with his fist, and he die not, but keep his bed; if he rise again, and walk abroad upon his staff, then shall he that smote him be quit; only he shall pay for the loss of his time, and shall cause him to be thoroughly healed.

EXOD. XXI, 18-19.

Man, in taking possession of the unreasoning world, becomes guardian 360 of unreasoning property and is responsible for the forces inherent in it, just as he is responsible for the forces of his own body; for property is nothing but the artificially extended body, and body and property together are the realm and sphere of action of the soul—i.e., of the human personality, which rules them and becomes effective through them and in them. Thus is the person responsible for all the material things under his dominion and in his use; and even without the verdict

of a court of law, even if no claim is put forward by another person, he must pay compensation for any harm done to another's property or body for which he is responsible.

- 361 Property is of two kinds: (1) animate; (2) inanimate; and accordingly the responsibility varies.

(a) *Responsibility for animate property*: Animate property, again, is of two kinds: (1) such animals as, created by Nature to use their force peacefully and to destroy only what they can consume, have been endowed by Nature with horns and strength of limb only for their own defence; domesticated animals, such as cattle, sheep, horses, asses, etc.; (2) such animals as, by nature, are hostile and destructive towards their surroundings, even without being driven by the need for food; wild animals, such as lion, tiger, snake, etc. All damage that is caused by tame animals for the sake of consumption or in the peaceful application of their force, and by wild animals in accordance with their destructive nature, is called natural damage (מועד), but what is destroyed by tame animals against their peaceful nature is called unnatural damage (תם); unnatural damage occurring three times is to be deemed natural to the animal, and is then quasi-natural damage (מועד). Whatever cattle may eat as food, that which it tramples down in its normal walk, what it destroys in playfully rubbing itself against the wall; what a lion devours, what a wolf tears to pieces (שן וריגל) fall into the category of natural damage. What cattle destroys with its horns, or to no purpose grinds up with its teeth; things cattle break down wantonly and not in the course of ordinary walking (קרן), all this is unnatural damage; thrice repeated it becomes quasi-natural damage.

- 362 As soon as your cattle or animal enters on to land belonging to another person, you are fully responsible for all natural damage (שן וריגל ברשות הניזק). However, regarding that land upon which you are entitled to drive your cattle or animal, this very right exempts you from responsibility for all natural damage (שן וריגל ברשות הרבים). Of course, you have to pay for any benefit that has accrued to you from the animal having fed on that land.

As far as unnatural damage is concerned, you do not bear the responsibility in the case of entry on to other people's land; nor are you exempt in the case where you are entitled to drive your cattle there. Not as an indemnity, which arises from responsibility, but as a penalty to be imposed by the law court (קנס) to prevent future damage by encouraging better care, does the law provide for the payment of half the amount of the damage caused in any place by unnatural damage (קרן ברשות הרבים וברשות הניזק); except, of course, in the case in which the owner brought his property on to your land without your permission

and that property suffered damage while being there without your permission (ברשות המזיק).

As regards quasi-natural damage, you must bear full responsibility in case of entry on to another person's land, precisely because it has become natural with that particular animal; and again, where you have the right of driving your cattle or animal on to another person's land, this right exempts you only from all damage that is caused by the animal's normal behaviour—i.e., natural damage, but not from quasi-natural damage (see para. 361); indeed, your right does not cover such a degenerate animal. To sum up, you are fully responsible in any circumstances for quasi-natural damage.

For natural damage on another person's land which is not direct damage (צרורות), your responsibility is halved, because only half of the damage is attributable to your animal; for instance, when chips of wood or lumps of earth have been impelled outwards by the animal's natural walk, causing some subsequent damage, etc.

Penalties can be collected by the Beth Din only in the Land of Israel; but for due compensation you remain responsible everywhere (for details see Ch. M. 389-409).

(b) *For inanimate property*: Being responsible for your animal property, 363 which at least follows its own instinct, you have all the more extensive responsibility for your property that is inanimate and devoid of any instinct and is thus completely subject to your will. Your inanimate property, again, is to be considered under two aspects: (1) in repose; (2) in movement.

(1) *Inanimate property in repose* (בור): Wherever on land belonging either to another person or to the community you make some installation that is potentially dangerous; or if, on your own land, you do not take protective measures with regard to your potentially dangerous property which others are entitled to approach: you are fully responsible for any damage caused by your installation or property which is likely to derive from the intrinsic nature of that installation or property; that is to say, for property in repose with regard to living beings which, by their nature, are capable of approaching your installation or property by themselves; but not for inanimate things which, by themselves, cannot suffer any damage from inanimate property in repose but have first to be brought near by another force which is not yours. In any case you are responsible exclusively for such damage which was reasonably to be expected from your installation or property.

Examples: Digging or uncovering a hole in the ground; placing or throwing on to the road piles of rubbish, stones, glass, knives, jugs, etc.; or leaving things on the roof, whence they are thrown into the street by foreseeable circumstances, causing damage there while in repose; or

leaving such things unprotected on your land near the boundary where others are entitled to come. In all these circumstances you are liable to pay compensation for cattle which was thereby damaged or killed; likewise for bodily harm to human beings; but not for damage to utensils. If you dig in the middle of your own property, you bear no liability; but you are responsible if you give others the right to enter the surrounding area. Be careful lest what you may throw, pour away, etc., on to the street renders the passage dangerous. (For details see Ch. M. 410-17.)

- 364 As a special commandment the Torah imposes the duty: Remove from your property all that is dangerous to life or by means of adequate protection render it harmless.

If the roof of your house is accessible to people, you shall not leave it without protection against their falling therefrom; and, generally speaking, whenever unlawfully you leave unprotected anything you own which is potentially dangerous to human life, you incur responsibility for any consequent accident. For instance, wells or holes in the ground without a fence of ten טפחים (handbreadths) or adequate guard; broken staircases, poison, weapons, knives, stones, etc. (Ch. M. 427).

- 365 (2) *Inanimate property in movement* (אש): Inanimate property, set in motion by a foreseeable external natural force, *e.g.*, wind, and causing damage during this movement, entails liability for full damages in respect of all those objects which are in the open and uncovered and which cannot escape, that is to say, only in respect of inanimate objects or such animate ones as are tied down; so much for negligence committed on your own land.

But when the damaging property has been brought on to another person's land and from there has been carried further by natural force, then full responsibility arises for everything present on that land, even if covered or hidden. For instance: jugs, stones, knives, etc., left on the roof and thrown on to the street by a normal gust of wind causing damage to uncovered objects in their fall; fire lit on your own land and left without care, spreading and devouring uncovered property belonging to another; fire brought on to another's land, devouring, for instance, agricultural implements, house and furniture.

Fire, which by the perpetual movement of the air always spreads, has, for this very reason, yet another characteristic—namely, that of being a tool in man's hands. And only if an obstacle, which fire by itself would not have been able to overcome, has been removed by another force, for instance, a fireproof wall has collapsed through the owner's negligence, etc., is fire subject to the law concerning inanimate, insufficiently guarded property in movement. (For the rest see Ch. M. 418.)

(c) *Physical force*: Seeing that you are responsible for damage caused 366 by your external, detached property, how much more so are you when this external property, animated by your own energy, becomes a tool, how much more so for that energy itself, for your own body's force (and also for your word). You are liable to pay full compensation for all damage caused anywhere to property, body, health, honour, earning capacity by the mere force of your body, or by tools activated by that force, whether you are awake or asleep, whether intentionally or unintentionally.

Asleep or awake, intentionally or unintentionally: for you are a human being and as such you are the guardian of the forces that were given to you and that are governed by you, and you must not be careless; even when you lie down to sleep, you must do it in such a manner that you cannot endanger your surroundings, the only exception being if, during your sleep, your surroundings have changed.

He who injures his neighbour has to indemnify him, within his means, for all the consequences of the injury—*i.e.*:

- (1) Loss of faculties caused by mutilation (זיק).
- (2) Pain suffered in consequence of the injury (צער).
- (3) Loss caused by reduction of earning capacity (שבת).
- (4) Cost of medical treatment (רפור).
- (5) Injury to reputation (בושת).

And having done all this, the obligation to compensate is not exhausted until he has asked for forgiveness (see chap. 79). For details see Ch. M. 420-4 and 378-88.

The law also mentions the more remote causation of damage to body, property, etc., and distinguishes between causation by circumstances which result in the possibility of subsequent damage (גרמא בנוקין) and causation by circumstances which result in actual damage (דינא דגרמי). For us this warning is sufficient: Beware of all unlawful acts, of all unlawful words which are, however remotely, susceptible of causing damage to your neighbour! (Ch. M. 386).

Here then, you stand forth as the master, and thus the sole responsible 367 guardian, of all your worldly goods and of the energies of your body; as such you have to indemnify wherever you have caused damage. But do not say, 'All right, then why should I guard my goods and my energy? If they have caused any damage I make it good and nobody can complain.' But consider. Once you have done harm the only thing you are able to do is to pay compensation; you can never undo the harm and wipe out all its consequences. Furthermore, the highest goal you can reach is to become a *chasid*, that is to say, a person who lives entirely, with everything he has, for the welfare of others, who is nothing for

himself and everything for others; therefore, you see, the first step you have to take is to see that neither you nor any of your belongings interfere adversely with the welfare of another person. You, with all your belongings, should become a blessing; be on your guard that you and your belongings do not become a curse! Watch over all your belongings so that they do no harm to your neighbour! And also what you throw away or pour away—see to it that it do no harm; you ought to bring good, so do not bring evil! (*loc. cit.* and Ch. M. 415).

50

FALSEHOOD, LYING, FLATTERY,
HYPOCRISY

איסור דיבור שקר, חנופה, גניבת דעת

Ye shall not steal; neither shall ye deal falsely, nor lie one to another.

LEVIT. XIX, II.

Keep thee far from a false matter.

EXOD. XXIII, 7.

368 Although the Oral Law (תורה שבעל פה) teaches that the pronouncement 'Ye shall not deal falsely' is a warning against falsely denying having received goods in trust, and 'Neither lie one to another' a warning against taking a false oath for that purpose, it is nevertheless possible to assume that the prohibition is general and that those two warnings are only parts of it—that they are applications of the same general command. To be sure, the words 'one to another' suggest damage caused to another person through lying; but then, generally speaking, every lie injures the person to whom or against whom it has been told; in the same way our *Chachamim* consider every fraud—which is indeed nothing but a sort of lie—as intellectual theft and therefore governed by the law on theft (גניבת דעת). And the second pronouncement 'Keep thee far from a false matter,' which the Oral Law (*Kethuboth*, 17a) interprets as covering anything said in support of the directly damaging falsehood, is considered to be a general prohibition of the lie, applied by Beth Shammai even to a white lie uttered for "politeness" sake. We therefore thought we should explain here the prohibition of the lie in general which elsewhere in *Tenach* and Talmud is painted in such black colours.

369 God, Who created man to be just, that is to say, to leave and give to all entities in all their relations that which is their due, has also endowed his

mind with the faculty of mirroring the reality of things in their various relations so that man may be able to perceive the entities and their relations, and, on the strength of this knowledge, give to them what the teachings of justice lay down as their right. This reproduction of reality in the mind is Truth. Truth, therefore, is a precondition of Justice; for only according to the image of the things and their relations which appears in man's mind can man behave towards them; if this image be false, his behaviour towards them will be different from what is due to them: he becomes unjust. And thus, if nothing else, justice itself—which is our Divine calling—will guarantee that, as far as that calling of ours demands, we shall be able to perceive the reality of external things from their reflection within ourselves.

But just as God has endowed the human mind with the faculty of mirroring the reality of its owner's external world, so also has He given him the faculty of revealing to others the reality as known to him by means of his language. And thus, the individual can live not only according to his own experience, but the whole of mankind can co-operate for the improvement of the human mind, the individual can inherit the spiritual treasure of all mankind, and, by becoming richer in truth, also become richer in justice, and lead a life of action instead of a life of mere experience. In such manner, by means of that supreme blessing, God has knitted together the community of man with the vital thread of love, and has ordained that man should rely on his brother for the spiritual good—namely, truth.

But he who, instead of truthfully expressing in words what he has experienced to be real, communicates a false image of it to his brother, who accepts it and bases his behaviour on it—either being unjust to his fellow-creatures or, having a wrong conception of their intentions towards him, being destroyed by them—that man turns into a curse that supreme blessing of the Creator; for he who denies truth to his brother, thus violating the highest duty towards him which God has imposed, calls down a curse—he who lies calls down a curse. And as material property is valuable only as a means for a life devoted to justice, and the liar steals the first condition of that justice—namely, truth, and gives falsehood in exchange, thus giving birth to injustice, the liar is even more dangerous than the thief. The thief takes only the means of life as such, while the liar takes those of a just life, producing, in turn, injustice—and misery. For just as God links the supreme good, justice, to truth, so does He do the same with regard to the minor good, happiness. For to appreciate the nature of things you rely on your knowledge of them; and if somebody deceives you about their true nature, he robs you of a support or causes you to lean on a support that is insecure. 370

And by stealing from another directly something precious—truth—and so indirectly the most precious thing—justice—the liar also kills himself spiritually; for he extinguishes in himself that Divine spark which alone makes of him a human being created for the benefit of his fellow-men.

371 Every lie, even the smallest, seemingly the most trivial one, is a betrayal of your fellow-man, is theft of his most precious good, murder of your own personality. Beware, therefore, of the smallest deviation from truth as you know it. Do you not feel how your soul revolts against every false word which your lips attempt to utter? Surely you feel it on lying for the first time. This rebellion within yourself warns you not to murder your own human soul, admonishes you that God has created you to be truthful, just as His word calls you to be truthful. Do not imagine you are able to calculate which lie would be harmless to your fellow-man. Even if you cannot see the harm with the short range of your vision, unhappiness and injustice may follow ten times removed within your neighbour's sphere of life. And even if this does not happen, you would have in any case lost your own soul. Therefore do not even lie for fun; for who would like to have a short moment's fleeting pleasure at the expense of harm to his neighbour and the killing of his own spiritual self? And even if the truth were to cause you well-deserved harm, would you like to avert the consequence of one wrong by committing another wrong, and disregard the harm which you yourself suffer to your most precious possession through falsehood?

372 Thus truthfulness in itself is justice's highest demand, and lies are in themselves a crime, which destroy others as well as yourself. But for the whole of life's purity, the consequences of the habit of lying are as horrible as are blissful the consequences of truthfulness. Few sins are committed without the sinner taking comfort from the hope that, called upon to justify himself, he would be able to save himself by lying; and therefore almost every sin is accompanied by the resolve to resort to lying. Therefore if you preserve your truthfulness so that you render yourself incapable of deviating from the truth, whatever may happen to you, it will serve you as a shield against many sins. Conversely, the more you become intimate with the lie, the easier will become your path to every other evil. All you who have influence over the soul of the young, to prepare them for a life of justice, watch out that they retain that inner shield which protects them from many aberrations; watch out that they remain sincere, truthful and straightforward as the Creator wanted them to be, so that they fear the lie more than the hardest punishment which you might inflict upon them.

A lie concerning the personality of the person to whom it is told, usually consisting in giving him a better opinion of himself than he really deserves, is flattery. A lie concerning your own personality is hypocrisy. But just as nowhere is truth more necessary than in knowing oneself, and nowhere deception more harmful than here, so hardly any lie is more harmful than flattery. And when you realize why people usually employ flattery, how the flatterer sacrifices the other's morality and his own dignity in order to obtain some material advantage from the other, thus stealing his virtue as well as his property and sully his own self for the sake of a usually mean profit—if you realize all this you will see that no liar is more despicable than the flatterer. Be mindful of your human dignity, and even if you could become a prince by flattery and if you had to remain a beggar through your honesty, your human dignity should be more precious to you than any possession; remain a beggar—remain honest; do not turn into a crawling worm.

The hypocrite turns into one big lie not only his word but his deed, in fact, his whole life, in order, through pretence, to win the favourable disposition towards him of another. For behold, God has created our heart in such a way that, apart from the love and justice that He wanted us to give to all human beings, we give our benevolence—our heart, as it were—above all to those who either appear to us as the embodiment of pure and noble humanity or who seem to have a special affection for us. Now, if you act or speak in such a way as to produce in us a certain opinion, but your words are spoken and your actions performed only for the sake of that opinion and are only superficial and not the true reflection of reality or the honest expression of your true feelings—if you do that, you steal our feelings, our heart; it is this hypocrisy, above all, which our *Chachamim* have branded with the significant name *g'nevath da'ath* (גניבת דעת), theft of feelings, although this name can also be found to mean theft of thought—to lie in general. And they warn you not only against hypocrisy, that falsifies your whole life, but against every single act of hypocrisy, against even any pretence that causes any one of your actions towards your neighbour to appear more friendly than it is in reality.

For instance, you must not shower invitations and other offers on your friend if you know that he will not accept them. Or when, for his entertainment, you open a bottle, which you would have opened in any case, regardless of his visit, you must not lead him to believe that you did it because of the pleasure his visit gave you, etc. The law adds that any falsehood, deception, flattery or hypocrisy is despicable and prohibited towards anyone, whatever his race or creed; though this is understood as to owe truthfulness to your fellow-man, not as an individual but as a human being absolutely (Ch. M. 228). It is also noted with regard to commerce that in consequence of your duty to be

truthful you must not conceal any quality of your merchandise when you know that the buyer's notion of it is different—even when that quality does not diminish the real value; for instance, you must not sell to a non-Jew non-*kasher* meat without mentioning it, as the buyer might suppose that it was slaughtered according to Jewish law, etc. (Ch. M. 228).

- 374 In accordance with the commandment 'Keep thee far from a false matter,' our wise men warn us expressly against supporting another person's lie even if only by remaining silent oneself or by the mere fact of one's presence; by standing silently by while another gives expression to a falsehood; by lying, even if it is intended to support a truth, etc.; and they warn you to remind yourself to remove from your path every obstacle to the recognition of truth, etc. (Ch. M. 9, 17, 28).
- 375 Our *Chachamim* make a fine distinction in stating: 'No man must be uncouth in his social intercourse with his fellow-men (מעורב בן הבריות), and they teach what modification, although it is only an apparent one, is imposed on the prohibition of lying by the duty of sociability; they explain that social life would be impossible if everyone, without being asked, were to tell the truth to everyone else as he sees it; and that social life itself has introduced a language which would be falsehood outside the realm of social intercourse, but which within this circle ceases to be falsehood because he to whom it is addressed does not expect always to be told the strict truth. This is the language of courtesy, which, because it originates in social intercourse, ceases to be falsehood; for just as society clothes the words with their meaning, so can it likewise change the meaning of words for special occasions. And just as society on certain occasions answers in the negative with the word 'yes' and in the affirmative with the word 'no,' and you are therefore compelled to understand the wording in the same sense, in the same way society uses the word 'servant' for social intercourse for no other purpose than to be courteous, while in all other circumstances the word connotes a very large measure of dependence. The same is true of all the empty phrases and expressions of friendliness which have become part and parcel of social life. Similarly, nobody in social intercourse wants another person to tell him, uninvited, all that he thinks of him, and the rule is: what you say should be true, but you are not obliged to reveal all your thoughts. No social gathering could exist if each were to tell the other on meeting him whatever unfavourable observations he has made as to his appearance, language, conduct, etc. Such silence is not deception, precisely because in those circumstances nobody expects to be told, nor would your silence cause him to have too good an opinion of himself. The case is different if you do not point out their

shortcomings to your brother or your friend with whom you are in intimate relationship. Rather than a violation of the duty of truthfulness, it is your duty to accept and observe these rules of social life. But even a single step beyond them, even a single step beyond what is called courtesy in your own environment, is flattery, hypocrisy and therefore sin (Ch. M. 228: 6; E.H. 65; *Kethuboth*, 17a).

The author is aware of few pronouncements in our law with regard to cases in which a man, if told the truth, were to make unlawful use of it, or in which the truth would do harm to your fellow-man; for instance, a murderer asking you about his intended victim, or a thief about the whereabouts of some property, or a person who is dangerously ill about a relative who has died unbeknown to him, etc. But to draw conclusions from analogous situations, there seems to be no doubt that in all these cases it would not only be wrong to tell the truth, but it would be a duty to tell a lie. For, just as I am permitted to prevent murder by killing the murderer, or theft at least by beating the thief, or to save a person who is dangerously ill by disregarding a large number of commandments—indeed, am obliged to do so—so am I not only allowed in the aforementioned cases to suppress the truth because by telling it I would contribute to murder, theft and death, but it would be my positive duty to lie if my silence alone were to be a contributing factor. 376

In the same way, according to the teaching of our wise men, I am allowed to deviate from the truth where truth would arouse discord, this curse of all life, between man and man, or where I can restore peace, that blessing of all blessings, where it has departed; indeed, according to some, it would be a duty in these cases too.

51

RESTRICTION, OPPRESSION
AND VEXATION

איסור לחץ, ענוי, אונאת דברים, הלבנת פנים וכו'

Thou shalt neither vex a stranger nor oppress him; for ye were strangers in the land of Egypt. Ye shall not afflict any widow, or fatherless child. If thou afflict them in any wise, and they cry at all unto me, I will surely hear their cry. And my wrath shall wax hot, and I shall kill you with the sword; and your wives shall be widows, and your children fatherless.

EXOD. XXII, 20-23.

And if a stranger sojourn with thee in your land, ye shall not vex him. But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am the Lord your God.

LEVIT. XIX, 33-34.

Ye shall not therefore oppress one another; but thou shalt fear thy God; for I am the Lord thy God.

LEVIT. XXV, 17.

Thou shalt not hate thy brother in thine heart; thou shalt not in any wise rebuke thy neighbour, and not suffer sin upon him.

LEVIT. XIX, 17.

- 377 In giving man life, God also gives him the right to develop all his faculties freely and imposes on him the duty of developing and using his faculties according to the demands of justice. As long as a person obeys this command and makes only that his own which is his due according to justice, uses it according to the commands of justice, and conducts his life abiding by the rule of law, so long shall you refrain from restricting him in that freedom, even if it is within your power to do so. You must not force him off the paths of life which God has opened for him as a human being, nor refuse him a way of developing his life which you grant to yourself; you must not confine him within narrow limits while claiming for yourself freedom as of right, nor restrict his lawful ways and means of gaining a livelihood and fulfilling his human destiny in order to preserve a larger field for the pursuit of your own happiness. Is not the earth God's own? Is it not He Who has given man his place on earth and created law and prosperity and success? And has He given you a greater claim to the goods and pleasures of His world or any right to hinder in business or lawful pursuits your brother who is a human being as you are? Because you have the power? But should force be the rule of human conduct, and not the

law—the eternal, God-given law—the sole possession which God has given to mankind for its existence on earth—the right to be a human being among human beings? And this Magna Carta which God Himself has written, do you want to tear it up? You blame the thief who violates property—do you not see you are a greater thief if you violate the law, the basis of all property? . . .

This restraint upon the ways and means of civilization on earth is called restriction, and 'Do not restrict, do not oppress any one of My children' is God's command to you; allow him to be a human being just as you claim it as your own right.

And although necessity and the artificiality of our way of life have made it inevitable that now and then you are allowed to keep your brother away from the path of life which you follow (Ch. M. 156 at the end), use this concession only rarely and reluctantly, and never forget that this is not right but only the dictates of necessity; do not forget the Torah's pronouncement: you shall not restrict anyone's path of life!

But even though you do not restrict his ways and means and you allow 378 him to travel the wide highway of the law and to win the blessings which God bestows on him, you may nevertheless place your superior strength between the blessings and his enjoyment of them, render his life miserable in spite of all these blessings, burden him with pain, torment and misery, so that only with tears will he eat the bread which God has given him for his enjoyment and he will mark the moments of his earthly existence by his sighs. Woe unto you if you abuse in such a manner the surplus which God has given to you so that it may become in your hands a blessing for your brethren; if you abuse it, and with your superior power exert pressure on them, make them dependent and make them feel their dependence, עוני, *innui*! Woe unto you, when a human soul can indict you before the Throne of the Supreme Judge as a thief of his happiness on earth, as the disturber of his enjoyment of life, as the source of his tears! God, Whom you think is so high in heaven, so far away that you imagined you could toy with the happiness of His children—God is near, near to all the oppressed, He sees every tear, and every sigh reaches Him—and reaction is quick and He strikes you down; and the afflicted one rises again.

Above all, the Torah warns us against afflicting and oppressing those 379 human beings who, being helpless themselves, need the help and support of others, and against whom the abuse of power is all the more terrible as it is easy; and it gives as examples the stranger, the widow and the orphan.

Take the stranger. Trustful does he enter your country, your city, your community, confident of finding people who will respect him as

their fellow-man and not begrudge him a place among themselves where he can live, and live like a human being; he has no other letter of recommendation than his human countenance, nobody to introduce him but God, Who presents him to you as His child, and says: 'He is like you, may he do as you do—grant him equal rights—he is My child, My earth is his home; I have called on him, just as I called on you, joyfully to fulfil his task as a human being; do not curtail that right of his, do not spoil his joy of life, do not abuse his helplessness; show that you feel that your soil is God's soil, and that man is God's child.' Though others may discriminate against the Jew and not recognize you, the 'stranger,' as a human being—you, as a Jew, a son of Israel, must not fail to recognize every stranger as a human being! In *Mitzrayim* you learned that God protects the stranger—it was as the protector of the stranger against the native's oppressive arrogance, as the protector of Right against Might, that God first revealed Himself to you; show that you are a Jew—hold the stranger sacred.

And widow and orphan. The husband and father dies and, dying, pictures his wife without a friend, his children without a father. Into whose trust can he give them? God takes the lonely ones under His protection and says to human society, which in itself never dies, be a friend to the widow, a father to the orphan; and every individual into whose orbit they come must bear his share in the execution of that communal duty.

But if both society and the individual, instead of considering orphan and widow as given into their trust by God, see in them, who are deprived of friend and provider, all the more easy prey to their power, force them off their path of life, rob them of their livelihood and darken their life with suffering and grief, then God, Whom they have forgotten, will rise and show that He is the Friend of the widow and Father of the orphan, and that those are least helpless who seem to be it most.

But not only the stranger, and the widow, and the orphan—women, servants, the poor, every dependent person, everyone who is unhappy or suffering, they are all under the special protection of the Almighty, Who defends the right of the weak against the power of the strong.

There is no distinction whether the widow and orphan be rich or poor, whether the orphan has lost father or mother; as long as the orphan cannot look after his own interests, he is considered an orphan in this respect. You may be severe in educating an orphan when this is necessary for his own good; but even then you should be gentler than with others, as the orphan is more impressionable. The same applies to anyone poor, dependent, or unhappy (Ch. M. 228).

- 380 But do not imagine that you can sin only by deeds, that you are law-abiding if you merely refrain from afflicting and oppressing your

neighbour by deeds, from harming a human being by your actions; for also with the word, the fleeting word, the word with which you have been endowed to do great good, can you inflict more injury, strike more surely, destroy happiness and contentment more irreparably than with violent, malignant action.

God has made sensitive man's soul, capable of being pained by every harsh touch, and yet He created this tender, sensitive instrument so that it may be the holder of the most sacred blessings of the human being, of honour and serenity, respect and love, of every enjoyment that life can provide, of every worth-while feeling of happiness, and of every emotion which links man to life and to his fellow-men. As long as it exists clear and serene within the human being, so long will he remain happy, however hard he may be hit by external events. But once it is wounded and saddened, and its peace disturbed, then the human being becomes sick and withers like a crushed flower. You should hold sacred man's inner sanctuary, consider it as God-given soil in which to plant your most beautiful blessings, wisdom and solace, love and kindness. And for this purpose you were given that most noble gift—the word.

But if you turn into a sharp and lethal weapon this word which is destined to bring life and blessings; if you seek pleasure in mocking the inexperienced and less intelligent, in deceiving and embarrassing him instead of teaching and correcting him; if you ridicule the unfortunate whose troubled mind is longing for comfort from your lips, and overwhelm him with useless reproaches; if you put your brother to shame in front of others even for the purpose of correcting him; if you degrade your brother's personality by calling him bad names; if with icy scorn and fiery disdain in your barbed words you shoot sharp arrows into your brother's heart and rejoice in his discomfiture—oh then, do not dare to look up to heaven! God sees your brother's heart convulsed by the daggers of your words, frozen under your icy scorn, humiliated under your ridicule. With Him the rejected soul will find refuge, to His Throne tears always find the door open. And you? The Almighty is just!

Youth and maiden of Israel! You to whom God's gift is still pure, whose hearts have not hardened, watch your word, keep it pure and devout, so that no heart may bleed, wounded by your word. Again, above all, watch it in your dealings with the unfortunate, the poor, dependants, servants; for doubly do they feel the slightest suggestion of scorn, indeed, their tender heart often feels a sting where you would not suspect one. And above all the female heart! Remember the teachings of our wise men who list as prohibited according to the prohibition of *ona'ah* (vexation): teasing, deceiving, embarrassing, needling, ridiculing; mocking, jesting with, and calling names, and then add: graver even than injury by action is vexation by words. The former only affects

property, the latter the human being as a whole; the former can be repaired, the latter cannot; the tears of the offended find easy access to the Throne of the Almighty: fear Him, for His eye sees (Ch. M. 228).

Elsewhere it is said: He who puts his neighbour to shame in public is like a murderer; do you not see his blood flow? Three sinners descend into the Gehinnom and do not rise again: he who commits adultery; he who puts his neighbour to shame in public; and he who calls his neighbour names. Though all the gates of Heaven may be closed to prayer, no gate is ever closed to the tear of an injured heart.

52

ABUSE OF PHYSICAL, MENTAL AND
EMOTIONAL WEAKNESS

נתינת מכשול לפני עור

. . . nor put a stumbling-block before the blind, but shalt fear thy God: I am the Lord thy God. LEVIT. XIX, 14.

Cursed be he that maketh the blind to wander out of the way. DEUT. XXVII, 18.

If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying: 'Let us go and serve other gods,' . . . And all Israel shall hear, and fear, and shall do no more any such wickedness as this is among you. DEUT. XIII, 7-12.

- 381 You shall not put a stumbling-block in the path of him who is blind of eye, mind or heart; and do not say, Who sees it? I, *HaShem*, see it; fear My eye, if you do not fear the human eye.

Do not put anything in the path of him who is blind of eye which might make him stumble; remove everything from his path which might do harm to him who is afflicted. Not only the blind, but all those physically afflicted, all physically weak, children too, are recommended to the protection of the healthy, the strong and the adult. Do not harm them by abusing your guardianship! Be the eyes of the blind, the staff of the lame, the support of the sick, and guide to children and the aged!

- 382 To the blind of mind. Blind of mind are the injudicious, the inexperienced, also the young and infants. You to whom God has granted more intelligence and judgment and to whom He sends a person who

is mentally handicapped; or you who are asked for advice by any one of your fellow-men—be his guardian and lend him your intelligence for his benefit and not to his disadvantage. Fear God, Who scrutinizes you thoroughly and knows your innermost secrets and sees whether you have given your advice according to the best of your knowledge and as though it were in your own interest, or whether you have abused your fellow-man's confidence to his detriment.

Parents, teachers, brothers and sisters, friends, and all you who exert influence by deed and by the written or spoken word, on young souls—they are blind of mind and their minds are illumined by the light of your mind; what you, by your word and example, tell them to be true and good will be regarded by them as true and good for a long time, and they will base their life on it until they are able to judge for themselves. Do not put a stumbling-block into their path. Woe to them if you are not honest with them, if you present to them false doctrine as the truth, evil as good, falsehood as truth, if you turn night into day, and the daylight of truth into darkness. One day they will awake and curse you, and God will hear that curse! Fear Him, if you do not fear human beings—He sees into your heart.

To the blind of heart. Blind of heart are all those whose heart is frivolous, disposed to sin, but who just lack the opportunity for sin. Beware of giving an opportunity of sinning to such a person, of showing him the path of sin, of making it easier for him to be helped on to it. Do not say, 'Am I doing it? It is up to him not to do it.' Yours is the sin which he commits, for you gave him the opportunity. 383

Again, all you who exert influence, by deed and the spoken or written word, on the young; the young, above all, are blind of heart, the fire of youth is easily prone to sin and sensuality, equally open to good and to evil. It is in your hands whether their heart becomes a garden of God, or overgrown by weeds. Do not put a stumbling-block into the path of the blind, but clear their path of it! One word, one gesture, an image, the description of animal sensuality, one frivolous word, can kindle in their minds a flame which you will try in vain to extinguish, can let loose in them the beast which you will hardly be able to curb. God will call you to account for the human hearts entrusted to you. On you rests the responsibility for the propensity which breaks out even in advanced age to bring ruin to a man and to the world. And 'Cursed' comes the cry down from Mount Ebal, 'Cursed be he who misleads the blind!'

Do not support or promote any wrong at all. Do not sell anything containing prohibited or harmful matter without making this plain. Do not sell, even to a non-Jew, anything that is prohibited to a Jew if this 384

disqualification is not discernible and there is a chance of its passing into the hands of a Jew (Y.D. 23, 57 and elsewhere). Do not sell arms, etc., to anybody who has not official authority to use such things; in general, do not sell anything which you have reason to believe might be used for an evil purpose (Y.D. 151). Wherever you can, in future, keep the possibility of committing a sin, intentionally or not, out of your neighbour's way; for instance, do not lend anything without written acknowledgment, or a witness, not even to your best friend or the most honest person: he might forget it (Ch. M. 70). Not only does he who stimulates vice and sensuality in his writings, but also he who reproduces such writings by printing them, etc., and circulates them, violate the law and incur the curse of posterity (O. Ch. 307: 16).

- 385 But the Torah brands him as the blackest villain who not only prompts and stimulates the other's sin but who actually invites and seduces him to sin, who attempts to abuse the power of relationship, friendship and trust in order to lead a person away from the laws of *HaShem*, or who uses his influence to infect with the poison of sin the circle in which he lives, his city, his community. Woe to you, woe if even one single human soul accuses you before the Supreme Judge's Throne of having stolen, not his honour, peace or pleasure, but God and morality and thus crushed the life out of his life!

God, Who is a God of love, Who demands pity and clemency from all mankind for all His creatures, has excluded only the seducer from the sphere of pity and clemency and singled him out as the lowest and most evil of all, in himself the source of evil. That is why we should watch our mien and bearing, our words and deeds, not only that *we* should not stumble, but also that we should not become stumbling-blocks in the path of others; for we are called to account not only for the loss of our own righteousness but also for those who have lost it directly or indirectly through our fault.

HONOUR AND PEACE

לשון הרע, רכילות

Thou shalt not go up and down as a talebearer among thy people.

LEVIT. XIX, 16.

To be a memorial unto the children of Israel . . . that no one be as Korah and his congregation.

NUM. XVII, 5.

The image of a person as it appears in others' minds is called his honour. This image determines the others' attitude towards him and impression of him; if only for this reason, honour is very important as a classifying factor. But this image also determines the sentiments, the respect and love, which one has towards a person; and next to a clear conscience before God and the resultant self-confidence, there is nothing more comforting and rewarding for a man than the respect and love which his fellow-men give him. Thus honour becomes a condition of happiness. Man, who finds it so difficult to know himself by introspection, sees himself more easily, as it were in a mirror, in the image which others have formed of him in their own minds. And their reliance on that image is so profound that people who often do not mind defacing their own selves, who do not care about God's and their own judgment of themselves, nevertheless are prepared to go to any lengths in order to preserve that image unstained. Thus honour, however objectionable the motives, becomes not infrequently a spur to duty; and ultimately it will make for real virtue when the person, progressing from the appreciation of the opinion of others to respect for God's and his own opinion, learns to love his duty for its own sake as his God-given task. 386

Thus honour is a not unimportant part of life, of the joy of life, it is even a spur to virtue and its guardian, and you must therefore respect the human being in his honour, in this image of him, and not kill this image, thus endangering the precious and sacred possessions which derive from it; you must not speak disparagingly of it! Even if what you say is true, even if the image were better than the reality, you ought to rejoice in it and not become its executioner (just as you are not allowed to kill somebody already sentenced to death), you should rejoice in it and not deprive the person of what is perhaps his last spur to being good; it is tantamount to defamation if you only draw attention to some evil trait in your fellow-man, or even if you only let it be known that you could say something disparaging about him if you wished. 387

388 But not only the individual's life and happiness, the welfare and good will of all depend on the detailed image of his fellow-man which one human being carries in his mind, that image which shows him his brother, not only generally, but in his peculiar relation to himself, as an expression of what he meant, means, and will mean in future to him and to everything that he calls his own. For on these details depends the blessing of all blessings—peace! If that image is friendly and does not spell harm and danger to one's own sphere, then man will join his fellow-man as a friend, will readily grant him his place beside himself on God's earth; will rejoice in his prospering by his side, enjoy his prosperity as though it were his own; everyone will live undisturbed for his own destiny, will help and be helped, and small groups as well as larger communities will present the picture which God intended when He created the world: the picture of untroubled development of communal life, the picture of *shalom* (שלום), of peace.

But when that image is hostile, when it shows one man destroying or menacing his brother's sphere of life, then hatred makes its appearance, hatred which does not leave room for two human beings on God's wide earth, hatred which sits brooding over the long-buried past and ponders over impending horrors; hatred which fills the hater with utter disregard for his own life so long as the hated person lives: hatred which wills the destruction of the hater if only the object of its hatred goes down with it. Then God's blessings are all wasted, for man turns them into curses, and *shalom* has fled. Instead of entwining themselves into a garland of peace in which each rejoices to adorn the other, to add beauty to the other's life with his own life, people confront each other like hostile thorns (שנאה), hatching plans for mutual destruction (איבה); the chain which should join one human being to the other is broken. God's world is destroyed, hatred and discord hold sway at man's own invitation, and generate robbery and murder and evil without end. And this will happen everywhere, in the all-embracing circle of all mankind, or in the smaller communities the world over; in a country, a city, a community, a family, a house, or an intimate companionship which comprises two human minds.

389 If thus God's law is visited upon you when you cast a slur on your brother's image as it lives in another's mind—that is to say, when you slander a person's reputation; threefold woe will it call upon you when you turn yourself into a messenger of evil and tell somebody what hateful things a third person has said or thought about him, when you wipe out the friendly features of the brother's image and make them look hostile, or even when you only help to preserve the hostile features instead of trying to transform them gradually into more friendly ones. Threefold woe upon you if you—by means of the truth—drive away

peace from country and city, family and house, from two human souls who would have lived peacefully without you, or would soon have regained peace with the help of your good services. Woe upon you: you stand forth as an enemy of human happiness, an enemy of God's universe. You are the curse of your community, you have annihilated unity and peace, trust and love—those foundations of human society—and you leave in your wake hatred and discord, strife, vengeance, disaster and crime. You must vanish from human society, for otherwise happiness will never return. Take care, therefore, not to become a Korah in your sphere!

And now? Seeing how terrible is the sin of slander, how harmful to human life and virtue, to happiness and peace, will you nevertheless be careless with your tongue, say what you like and, should it destroy honour and peace, try to excuse yourself by saying you did not mean any harm, you had slandered only out of thoughtlessness, for fun, without evil intentions! Is it permissible for human beings thus to trifle with human happiness and peace? More deadly than a sharpened arrow is the slanderous word, and yet, if that arrow hits its target and kills, you will coldly find comfort in saying, 'I did but trifle!' For thousands of years wisdom has uttered its warning against this—and the warning has gone unheeded. For thousands of years the slanderer has been branded by your wise fathers as one who denies God, because he repudiates the Judge Who passes judgment on words and thoughts however fleeting—has slander been declared to be worse than idolatry, lewdness and murder—has the slanderer been denied the right to peace in the next world because he has murdered peace in this world—but in vain. In vain has it been thus decried, denounced and judged for thousands of years; for no other sin is today more rampant than this one. Young man and young woman, who want to become strong for a truly Jewish life, begin this struggle upwards by shunning just this sin, precisely because it is so widespread, so easy to commit, because it is thought to be so unimportant and the opportunities for it are so frequent—and yet it is so pernicious, so terrible! Be the master of your own tongue! The Divine word! May it be devoted only to wise, reasonable and wholesome speech—and if you are unable to speak in that manner, remain silent! Learn to keep silent, young men and women of my people, learn to keep silent, even at the risk of being rejected as boring company because your tongue is not glib enough wittily to hold up to the public your brethren's weaknesses and defects, foolishness and faults. Rather be poor company than kill for fun the honour and peace of a fellow-man. Social gatherings? Certainly it is something fine if people forgather, free from the selfish pursuits of their jobs, and revive their public spirit, which had suffered from being

390

preoccupied with individual material interests, by discussing in general conversation matters of common interest; it is splendid if in this way a social gathering brings man nearer to his fellow-man and teaches people that they are all brethren. Then social gatherings are small communities and together they make up the universal community of human society. But if, instead of being freed from selfish pursuits, one carries that selfishness into the social gathering, letting it run riot there; if, instead of, in a friendly spirit, forging brotherly ties, the small mind—for the aggrandizement of its insignificant self—belittles his brother to the extent of annihilating him; if self-complacency at the expense of another is the only factor which holds the company together and one panders to it by assassinating an absent person's honour and peace, while making note of faults in the present company to serve for the future amusement of others—young men and women, such gatherings in which people wickedly amuse themselves for fun, such gatherings you must avoid; they are the ruin of society. You must show yourself incapable of joining in such games. And in order not to slander your neighbour, you must avoid altogether speaking of him in company, not even well; indeed, one might say, avoid the latter more than anything else: for, speaking of trifles, you might still hope that your words may remain unnoticed by wicked minds. But, by speaking well of your fellow-man, you make him the target of envy, which, to counter-balance the good that you have uttered, will produce from its armoury a thousand evil things about your fellow-man.

- 391 Common slander, as we have seen, has its roots in two things: (1) in the inability to exercise some activity (hobby)—apart from earning one's living—which is pure and disinterested and compatible with human dignity; and in the boredom which is the consequence of that inability; (2) in that base mentality which tries to aggrandize itself by belittling a fellow-man and rejoices in denouncing those of his weaknesses and faults which one does not possess oneself. Our wise men, therefore, teach us the following ways of preventing any tendency to speak slanderously: (1) To make oneself acquainted with the wisdom of the Torah in order always to have something to exercise one's mind with when the day's work is done, and, above all, to know the higher purpose of life and recognize the abomination of the above-mentioned actions; earning one's living is only a means, but the purpose of life is to employ one's whole life in the service of God, which does not leave a single idle moment for trifling dangerously with a neighbour's honour and tranquillity; (2) to acquire that modesty and humility which makes one too much aware of one's own many weaknesses to exalt the absence of just one weakness; makes one too much aware of one's own imperfection to arrogate to oneself the right of passing

judgment on a fellow-human being; which, finally, is much too busy with one's own improvement to find time for idle observation and criticism of a neighbour's faults.

But you must not pass on to others what you have heard or seen of your brother, even if it is harmless to his honour and peace, unless you are convinced that he wants it, or at least allows it, to be passed on. If somebody has done or said anything of this sort in the presence of three people without asking for secrecy, it may be considered as having been done in public, and is therefore not restricted. But these rules do not apply to anything which may affect somebody's honour or peace (*cf.* Maimonides, *Hilchoth De'oth*, chap. 7).

54

WITNESS AND JUDGMENT

עדות ומשפט

Thou shalt not bear false witness against thy neighbour.

EXOD. XX, 13.

Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor honour the person of the mighty; but in righteousness shalt thou judge thy neighbour.

LEVIT. XIX, 15.

Thou shalt not raise a false report; put not thine hand with the wicked to be an unrighteous witness. Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline after many to wrest judgment; neither shalt thou countenance a poor man in his cause.

EXOD. XXIII, 1-3.

Thou shalt not wrest the judgment of thy poor in his cause.

EXOD. XXIII, 6.

Thou shalt not wrest judgment; thou shalt not respect persons; neither take bribery; for bribery doth blind the eyes of the wise, and pervert the words of the righteous.

DEUT. XVI, 19.

'Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's . . .

DEUT. I, 16-17.

HaShem has given His law not to the individual but to the community, which is everlasting, and it is the community which gives to the individual the Torah as his life's guide; it is therefore the community which,

through its representatives, watches the life of the individual and sees to it that he does not deviate from that guide and that, when he has deviated, the sanction of justice be applied. Those representatives of the community who embody the law are the judges; they are the mouth-pieces of inarticulate justice; their task is to apply the general rules of justice to the individual case; and only in so far as the judge faithfully carries out this task does his word carry power.

But only when the word is uttered, when the deed is done, does the individual face his judge; yet the word is fleeting and the deed recognizable only from its consequences as something that has taken place in the past, but not as something that is now happening. How then fix the fleeting word? How hold the passing deed so that it can be present before the judge? There the witness appears (עדות; עד from עור: 'last,' hence 'still,' and עורר, 'to perpetuate'); the witness is he who was present when the word was spoken or when the deed was done; who perceived with his senses and retains in his mind that which was fleeting, and who reports to the judge what he has seen and heard, thus giving perpetuity to what is transitory.

- 394 Thus, nowhere in human life does the fate of one individual lie so much in the hands of others as in the case of testimony and judgment; nowhere does man appear higher than as witness and judge. Therefore, nowhere is good faith and truth more sacred than there, and nowhere is the abuse of the trust placed in you more pernicious. For see, if every single injustice against life, or against health, or freedom or wealth, or honour or the peace of your brother, is so reprehensible, respect the fact that when you are judge or witness all these rest together in your hands, they depend on one word, on one syllable in which you may deviate from the truth and right. But when your word is the expression of truth and justice you stand forth as the support of the world, a Divine being! We cannot here go into all the duties that are implicit in these capacities, especially as we have few opportunities in our life of exercising them. We note only the two general precepts:

The duty of the judge is to be not more, but also not less, than the mere instrument of the law, and thus to hold himself completely above case and party.

The duty of the witness is to give his evidence in strict accordance with what he has observed, only on the basis of that factual perception, not from conclusions, not from conjecture, only from what his unimpaired senses have conveyed to him.

All details—how the judge must hold himself aloof from party and case—how he must deny himself every opportunity of leaning more towards one side than the other—how he shall have both parties appear before him in like manner, even, if possible, to the point of their dress

Witness and Judgment

being similar so that he shall forget their status—how he shall not be more polite and friendly to one than to the other and shall not intimidate anyone in his argument—how he must not listen to one without listening to the other—how the giving and taking of bribes, not only in money, but in favour, words, courtesy, is a crime—how bought judgments are not lawful judgments—how paid testimony is not lawful testimony—further, how the unnecessary increasing of costs amounts to theft against the litigants—how he must fearlessly speak out the truth as he sees it, as regardless of consequences as is truth itself—and all the other excellent precepts which teach the judge how to carry out faithfully his high calling: to be guardian of the law and of truth and of peace and, among humanity, to uphold and to further the blessed state of peace as God created it: whoever might be called to such high duties in life must not omit to learn all this from the *Choshen Mishpat* in order to fulfil it, especially chaps. 7, 8, 9, 10, 12, 15, 17 and 34.

55

CURSING

איסור קללה

Thou shalt not curse the deaf.

LEVIT. XIX, 14.

Thou shalt not . . . curse a ruler of thy people.

EXOD. XXII, 27.

And he that curses his father or his mother, shall surely be put to death.

EXOD. XXI, 17.

- 395 When spite comes up against the limits of its power and cannot in actual fact destroy the object of its hatred, then the will to do so is expressed in words—and the destruction which it wished to accomplish but cannot achieve is directed in words towards the object; and the power of the Almighty is invoked as its accomplice, as the instrument of its vengeance. Such a pronouncement of destruction is cursing. In the accomplishment of a wicked deed man seems terrible, but even more terrible, monstrous, does he appear when he curses. For in the former the limit of his power is determined, but here his spite can express itself without bounds, so far as imagination—which is limitless—and hatred can reach; here can malice show how frightful it could be if it were all-powerful and held man's fate in its hands. Therefore every curse—against those absent as well as those present—is terrible, is even worse when you call upon the Almighty to help your impotence, and the most monstrous when you curse, when you utter the wish to destroy those to whom you owe your existence, those who represent society, those through whom you are what you are, your father and mother, your judge, your rulers and your king—do not curse (Ch. M. 27; Y.D. 241).

Additional Notes

A. TOROTH, chapter 1, para. 4

It is extremely difficult to give an adequate English rendering of the expression 'Mensch-Jissroel' (*Homo Israelis*), which was coined by Samson Raphael Hirsch and is used by him as a 'key' term throughout his writings. Some American Jewish writers have tried to render the Hirschian term *Mensch-Jissroel* by the English expression 'Israel-Man,' which seems to me inadequate. For lack of a better rendering, the term *Mensch-Jissroel* has been translated throughout this work as 'man and Israelite.' The term was meant by Hirsch to express his own view of religious humanism and of Israel's rôle in the world as a 'light to the nations' (אור לגוים), and as witnesses (אתם עדי) to God and the spiritual values of life; Israel proclaims His will and is His instrument for the education of humanity. Hirsch deliberately did not say 'Jissroel-Mensch,' but 'Mensch-Jissroel'—he put the human element first. For Judaism, according to Hirsch, means humanism elevated to a higher plane by the ennobling influence of the Torah. This idea runs like a golden thread through his works and is woven into the whole structure of his spiritual edifice. His interpretation of Jewish laws is also governed by this conception; so is his Jewish symbolism. A characteristic example is Hirsch's explanation of the law of tzitzith, in his *Commentary on the Pentateuch* (Num. xv, 37-41) and in his work *A Basic Outline of Jewish Symbolism* (Collected Writings, Vol. III, pp. 329ff.). The law of the Torah commands the children of Israel to make fringes upon four-cornered garments and to put upon the fringe of each corner a cord of blue (תכלת). Hirsch explains this law as follows: White, the colour of the majority of the threads, is the symbol of pure humanity; the blue thread symbolizes the ennobling influence of Judaism. We find in the Tabernacle that blue is the colour of the mantle of the High Priest and of the cover of the ark. Blue represents the colour of the sky and symbolizes the heavenly gift of the Torah. As the Talmud (*Menachoth*, 43b) puts it: Blue resembles the sea and the sea resembles the sky, and the sky resembles the Divine Throne of Glory; for it says (Exod. xxiv, 10): '... and they saw the God of Israel; and there was under His feet the like of a paved work of sapphire stone, and the like of the very heaven for clearness.' There is, therefore, no colour which is as suitable as is תכלת to remind Israel of their Father in heaven. Yet, when it comes to the making of the tzitzith the Talmud prescribes: כשהוא מתחיל, בלבן (Menachoth, 39a), that one starts with the winding round of the white thread, continues with the blue and finishes with the white again. To this legal dictum Samson Raphael Hirsch gives the following explanation, which is characteristic of his conception of religious humanism and of the term *Mensch-Jissroel*: 'If we meditate on the blue thread of our tzitzith, we find that the blue

thread was wound round the white ones. It is the colour of blue which symbolizes the Sanctuary and the colour of white which represents the pure human element. It is, therefore, the Jewish task, as symbolized by the Sanctuary, to lift up the human element in man on to the plane of the Divine law; but the Jewish task and the Jewish consciousness are not something which should be separated from the human task and from human consciousness. The Jewish task must not be conceived as something alien to and divorced from the human task. Never must we think that the Jewish element in us could exist without the human element or *vice versa*. The Jewish element in us presupposes the human element; it builds on it, ennobles it and brings it to perfection. The Jew cannot fulfil his calling in isolation, but only within human society. The highest perfection of the Jew is nothing but the highest perfection of his task as a human being. So it is that we begin the windings of our tzitzith with a white-coloured thread, representing pure humanity, continue with a blue thread representing Judaism, and finish off by returning to the white thread. Pure Judaism always returns to pure humanism.' I think that this exposition of Hirsch's thoughts on humanism and Judaism is the best aid to an understanding of his term *Mensch-Jissroel* which recurs throughout the *Horeb* and which we have rendered as 'man and Israelite' (see also *Humanism and Judaism*, by Dr Mendel Hirsch [a son of Samson Raphael Hirsch]).

B. TOROTH, chapter 1, para. 5

The work *Moriah* mentioned by Hirsch in a footnote to chapter 1 of the *Horeb* was originally planned as the first part of the *Horeb* and was intended to contain the religious philosophy of Judaism, its general religious and ethical truths, whereas *Horeb* was supposed to deal with Jewish laws and observances and their underlying ideas. Indeed, the title-page of the first edition of the *Horeb* contains the heading 'Moriah and Horeb.' Hirsch, however, published the *Horeb* first, because it seemed to him more important to stress the practical aspect of Judaism (*מצוות מעשיות*), especially in view of the laxity with regard to Jewish observances which prevailed in his days. (See Hirsch's works *Erste Mitteilungen aus Naphtali's Briefwechsel* [Altona, 1838/5598], *Zweite Mitteilungen aus einen Briefwechsel über die neueste jüdische Literatur* [Altona, 1844], and his *Nineteen Letters on Judaism*, letter 19.)

The planned work, *Moriah*, however, never saw the light of day. The reason for this is unknown.¹

¹ See further in Editor's Introduction, p. xxx.

C. EDOTH, chapter 23, para. 170

'Pesach and Shavuoth arise from the Sabbath. For Israel was created for the Sabbath, which mankind had spurned.' This statement of Samson Raphael Hirsch needs some further elucidation. In Jewish religious literature a distinction is drawn between the so-called *universal* Sabbath (שבת בראשית) and the *Jewish* Sabbath. The universal Sabbath was originally given to the whole of mankind. It was meant as a manifestation of the sovereignty of God and the recognition by man of God as the Creator of the universe. This recognition by man of the overlordship of God was all the more necessary as man had been given permission by God 'to replenish the earth and to subdue it' (Gen. i, 28). At the end of the Creation story, the Sabbath was introduced as the crown of creation; and it was blessed with the words ויברך א' את יום השביעי ויקדש אותו כי בו שבת מכל מלאכתו אשר ברא א' לעשות, 'And God blessed the seventh day, and hallowed it; because in it He rested from all His work which God had created and made' (Gen. ii, 3). The translation of the Hebrew words ויברך א' את יום השביעי ויקדש אותו into 'which God had created and made' is that of the so-called Revised Version of the famous English Bible translation. It misses, however, the deeper meaning of the Hebrew words in the original. The American-Jewish Bible translation renders the Hebrew words just quoted thus: 'because that in it He rested from all His work which God in creating had made.' This rendering, too, misses the real meaning of the Hebrew text. As pointed out long ago by Ibn Ezra and Abarbanel, the Hebrew word לעשות in this context means 'to continue acting.' The physical world had been finished after six days. Ethically, however, the world is still 'unfinished' and in that respect the work of creation continues with the help of man, who acts in that connection as the partner of God in creation until the conflict between good and evil is resolved. This is the deeper meaning of the word לעשות as well as of the statement of *Bereshith Rabbah* (chap. II): ממלאכת שבת עולמו שבת ממלאכת צדיקים ורשעים לא שבת of His physical world but not from the conflicting activities of the righteous and the wicked.' The physical world was completed only as the basis and the instrument for the moral completion of man. It is on the basis of this Midrashic saying that Samson Raphael Hirsch in his *Commentary* on Genesis translates and explains the Hebrew verse quoted above, which is of fundamental importance for the Jewish view of God, man, the universe and history.

The institution of Sabbath was given to man as a constant reminder of God and therefore as a help in his moral development. But early mankind spurned the Sabbath and forgot its function; consequently it also forgot its Creator, declining more and more until it finally reached the low points of the two generations known as דור המבול, 'the

Generation of the Flood' (Gen. vii), and דור הפלגה, 'the Generation of the Tower of Babel' or of the 'Diversity of Languages' (Gen. xi). Both generations rebelled against God and thereby lost the dignity of man.

It was then that Abraham entered the stage of the history of man as the father of the Jewish people, to whom the Sabbath was given a second time at Mount Sinai (according to some explanations even before at Marah, [cf. Exod. xv, 23–25]), after they had been ennobled and matured by their suffering in Egypt. Until then, the Sabbath had disappeared from the earth and had been banished from human life for the duration of two thousand years. The Jewish Sabbath which was given to the people of Israel was stricter than the original universal Sabbath which had been given to mankind but which had failed in its educational task. The 'Sons of Noah' (בני נח) had only been asked to 'remember' the Sabbath as an institution and through it to remember God as the Creator and Master of the world. When that world-historic task of the Sabbath was finally handed over to Israel the 'remembrance' (זכור) was joined by the commandment 'to guard' (שמור) the Sabbath by refraining from the thirty-nine *melachoth*. This is the meaning of the statement of the *Pesiktha* (chap. 23) זכור נתן לאומות העולם שמור נתן לישראל. In this way Israel took over the original function of the universal Sabbath. We find an echo of this history of the institution of Sabbath in the Kiddush of Friday evening in the two expressions זכר ליציאת מצרים and זכר למעשה בראשית. The same idea also seems to underlie the Midrashic explanation (see *Shevuoth*, 20b) of the discrepancy between the two versions of the Fourth Commandment in Exod. xx, 8 and Deut. v, 12—namely, that the words שמור 'guard the Sabbath day' and זכור 'remember the Sabbath day' were heard by Israel in one single utterance (see also the passage in Rabbi Shelomo Halevi Alkabets's poem 'Lecha Dodi' השמיענו אחד, שמור וזכור בדבור אחד, 'א' המיוחד). Thus the universal Sabbath and the Jewish Sabbath were united in a single entity.

D. MISHPATIM, chapter 47, para. 349

This principle of *מי שפרע* is an important one in Jewish civil law, and is characteristic of it. The *locus classicus* of the famous legal formula is the Mishnah *Baba Metzia*, chapter IV, 2, which reads as follows: 'If the buyer has drawn fruit into his possession (*משיכה*) from the seller, but has not yet paid him money, neither may retract; but if he has paid him money but has not yet drawn the fruit into his possession from the seller, either may retract.' However, the Sages have said: *מי שפרע מאנשי* 'דור המבול ומדור הפלגה הוא עתיד לפרע ממי שאינו עומד בדבורו', 'He that exacted punishment from the Generation of the Flood (Gen. vi, 13) and the Generation of the Dispersion (Gen. xi, 9) will exact punishment from him that does not abide by his spoken word.' The *Baraitha* (*Baba Metzia*, 48a) adds: *מאנשי סדום ועמורה וממצרים בים*, 'He Who punished the men of Sodom and Gomorrah and the Egyptians at the sea will exact punishment, etc.'

The doctrine of *מי שפרע* reveals the nature of the whole system of Jewish civil law. It demonstrates its religious ethos, and in particular exemplifies the importance attached by Judaism to the spoken word. The Jewish civil law derives its authority from and is an integral part of that code of living and of believing which is Judaism.

The formula of *מי שפרע* refers to God, Who is the Supreme Judge, on Whose behalf the human judges of the Beth Din, the Jewish Court of Law, perform their functions. That is why in Hebrew, the language of the Bible, a judge is designated by the term *אלקים*, which is also a Name of God expressing His capacity as the Supreme Judge. Explaining the Biblical sentence *אל נצב בעדת אל*, 'א' *נצב בעדת אל*, 'God standeth in the congregation of judges' (Ps. lxxxii, 1), our Sages comment that the majesty of God, the Heavenly Judge, hovers around the Jewish judges as they sit on the bench of the Beth Din, clad in tallith and tefillin. The Babylonian Talmud in *Shabbath*, 10a, contains this striking statement: *כל דיין שדן דין אמת לאמיתו אפילו שעה אחת מעלה עליו הכתוב כאילו נעשה שותף להקב"ה במעשה בראשית*, 'Every judge who pronounces a true judgment in accordance with the absolute truth of the Torah becomes a co-partner with God in the creation of the [spiritual and moral] universe.'

This conception presupposes a union or oneness of religion, ethics and law, just as it presupposes a union or oneness of the sacred and the secular. I refer more extensively to this idea in the Introduction to this work.¹

A corollary of the acknowledgment of the union of religion, law and life, which in the last resort flows from acceptance of the Unity of God,

¹ On this crucial theme, see further S. R. Hirsch's essay 'The Festival of Revelation and the Uniqueness of the Torah,' in *Judaism Eternal*, Vol. I, pp. 88ff.; also the present writer's *What is a Jew?* and his essays on 'Religion, Law and State' in *Jewish Chronicle*, 3 Dec. and 10 Dec. 1948.

is the sanctity bestowed upon the spoken word in Judaism. מות וחיים ביד-לשון: 'Death and life are in the power of the tongue,' we are told in Proverbs (xviii, 21), and the Rabbis add: ברית כרותה לשפתים: 'there is a mystical covenant between God and the organs of speech' (*Mo'ed Katan*, 8; *Sanhedrin*, 102). One should take care over one's speech, for each spoken word is heard by God.¹

The earthly judge may not always have the power to prevent a party to a contract from withdrawing from it on the excuse that the strict legal forms have not yet been complied with. But המשפט לא הוא, 'the Judgment is God's'—there is always the Heavenly Judge, Who will not let such unconscionable conduct pass unnoticed. In addition to the earthly courts of law, God is always in the background as an invisible Supreme Judge. Civil law, it has rightly been said, is concerned only with an ethical minimum, imposed by the natural limits of the human administration of law. But the highest Judge of the Jewish religious legal system, the great Master of Equity, is God, Israel's Lawgiver. The Jew is therefore enjoined to move לפנים משורת הדין, 'inside the line of the law,' and thereby strive towards an ethical maximum. As our Sages significantly put it: לא חרבה ירושלים אלא על שהעמידו דיניהם על: דין תורה ולא עשו לפנים משורת הדין, 'Jerusalem was destroyed because its inhabitants considered the strict law only and disregarded the demands of equity' (*Baba Metzia*, 30b).

¹ The Jewish attitude to the solemnity of the vow (נדר) and to the obligation arising from it also derives from this conception of the sanctity of the spoken word (*cf.* the *Commentaries* of Nachmanides and S. R. Hirsch on Num. xxx, the chapter dealing with vows in Jewish law). In this connection it is appropriate to mention the famous Kol Nidrei prayer, recited on Yom Kippur eve. One of the tragedies of Jewish history is that this very prayer, which owes its origin to the scrupulous regard of the Jew for the spoken word and the sacred obligation of the vow, has been made the occasion for scandalous accusations that the Jews are not conscientious in regard to their oaths and promises.

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