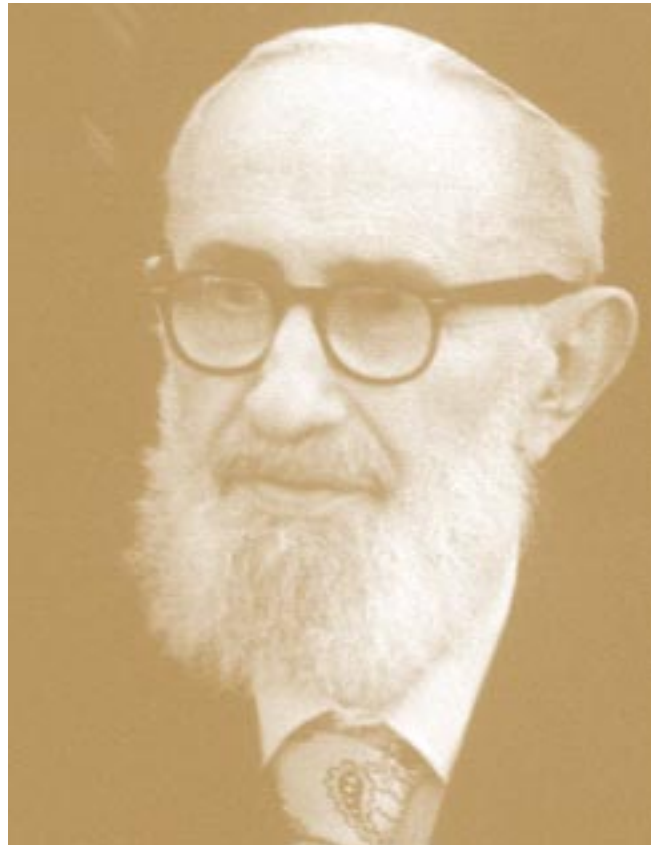


In commemoration of the Rav's one hundredth birthday and tenth yahrtzeit.

Reflections on a Life



Rav Joseph B. Soloveitchik, z"l, (1903-1993). Photo courtesy of Department of Communications and Public Affairs, Yeshiva University

By Jacob J. Schacter

I will never forget the first time I met the Rav, zt"l. I was six years old and lived half a block from Montefiore Medical Center in the Bronx, where my parents and I often visited patients. One evening, as my father and I entered the hospital, we noticed a tall man, surrounded by a large group of people. Recognizing the man, my father whispered to me with great excitement, "That's the Rav. That's Rabbi Soloveitchik." (My father has the distinction of being the first rabbi to receive *semichah* from the Rav at Yeshiva University's Rabbi Isaac Elchanan Theological Seminary

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[RIETS].) After greeting the Rav, my father introduced me to him. The Rav bent over and caressed my cheek, at which point, one of the rabbis accompanying him said to me, "Don't wash your face for a week."

I was astounded because every day my mother would say, "Yankef Yosef'l, did you wash your face today?" And here was an adult—a rabbi—telling me not to wash my face for an entire week!

Ten years have elapsed since the Rav's passing, and the "shriek of despair"¹ that immediately follows death is absent. But the need to discuss the Rav's life, reflect upon his achievements and describe the values that he represented is more pressing than ever.² Our sense of loss has grown with the passage of time as new issues arise, and there is no one to guide us as clearly and as definitively as the Rav did. How important it is

and how much more important it will become, with the passage of time, to convey what he was to a generation "asher lo yada et Yosef" (Exodus 1:8), a generation that did not have the *zechut* to experience firsthand the Rav's extraordinary qualities—his vibrancy and dynamism, his brilliance and lack of pretension, his radical intellectual honesty and demanding search for truth, his extraordinary power of self-revelation and deep-seated sense of privacy, his unswerving commitment to the *mesorah* and intimate knowledge of and appreciation for the philosophical contributions of Western culture.

But the task is daunting and the responsibility enormous. The Rav had very high standards. A sentence or a thought had to be formulated with clarity and precision. Only Rabbi Soloveitchik could appropriately memorialize Rabbi Soloveitchik.

The Rav was born in Pruzhin, Poland, on February 27, 1903, into one of the most learned and renowned rabbinic families in Europe at that time. The most telling and powerful description of his childhood is from an article the Rav wrote in the mid-1940s (although it was not published until over thirty years later). This description is not only about his childhood; it is about a set of values that shaped his entire life.

Rambam, the Rav recalled, was the only friend he had during his childhood. Reb Moshe Soloveitchik, the Rav's father, would carefully analyze Rambam in the *shiurim* he delivered to his *talmidim* in Pruzhin. "The Rambam was a constant guest in our home," wrote the Rav.

I would strain my ears to catch my father's every word. In my young and impressionable mind, there developed a dual impression: First, that the Rambam was being attacked by enemies who wanted to hurt him, and second, that the Rambam's only defender was my father. I felt strongly that without my father, who knows what would happen to the Rambam? It was as if the Rambam himself were with us in the room, listening to my father's words. The Rambam sat next to me on my bed. What did he look like? I don't know exactly. He seemed to look like an exceedingly handsome and good father. His name was also Moshe just like my father.

[When Reb Moshe defended the Rambam] the Rambam was comforted and smiled. I too was delighted and joined in the feeling of joy in the room. I would jump from my bed and run to my mother and cry out the good news: "Mother, Mother, the Rambam won. He beat the Rabad. Father helped him. Look how wonderful my father is!"

But once in a great while my father did not succeed, and despite all his efforts the enemies of the Rambam defeated him. Their questions were as strong as iron. Although my father mustered all his strength, he could not save the Rambam from his detractors. Salvation did not come for the Rambam. Deep in thought, my father would lean

his head on the palms of his hands on the table. The students and I, and even the Rambam, waited in great tension for my father's words. But my father would raise his head and sadly state: "There is no answer. The words of the Rambam are difficult. No one is capable of resolving these questions." The shiur ended with no explanation. The students were sad, and even my father was depressed. A sense of despair descended upon all of us. I cried. Even the eyes of the Rambam glistened with teardrops.

With a broken heart, I would walk slowly to my mother and cry out to her: "Mother, Father cannot answer the Rambam. What will we do? He did not succeed today." And my mother would tell me: "Don't worry. Father will find an answer to the Rambam. If he does not succeed, then when you grow up perhaps you will find an answer to the Rambam. Always remember, my son, the important thing about Torah is to study it in happiness and enthusiasm."³

As a child, the Rav was deeply influenced by a number of people: his two grandfathers, Reb Chaim Brisker and Reb Elya Pruzhiner, both highly respected *talmidei chachamim* and *manhigei Yisrael*; his uncle, Reb Velvel Brisker, "the Griz"; his Chabad *melamed* in Khaslavitch; his mother and, above all, his father. It is impossible to overstate the extent of his father's influence. The Rav never learned in a yeshivah, and his father was his *rebbe muvhak*.

The Rav lived in Pruzhin until 1910; he spent the next ten years in two small towns in White Russia (Raseyn and Khaslavitch) where his father served as rabbi. Around 1920, the family moved to Warsaw.

We know little about the Rav's life over the next six years in Warsaw; we do know, however, that it was here where he studied political science at Warsaw's Free Polish University and where he was first exposed to advanced secular studies in a systematic fashion.⁴

In the fall of 1926, at the age of

twenty-three, the Rav left Warsaw to study philosophy at the University of Berlin. Moving from the Torah-centered culture of his childhood and his

As new issues arise, there is no one to guide us as clearly and as definitively as the Rav did.

family tradition to the secular metropolis of Berlin was a significant step for the Rav. "You have no idea how enormously difficult it was for me to move from the world of R. Hayyim to that of Berlin University," the Rav once told a *talmid*. "Even my children cannot appreciate it because they already found a paved road."⁵

One can only imagine how difficult it must have been for him on those long, lonely winter nights in a foreign country. Again, we do not know much about the Rav's life in Berlin, but some information is forthcoming from a little-known source. In 1994, a book of memoirs by Werner Silberstein, a German Jew who had known the Rav in Berlin, was privately published by his family. Silberstein writes:

In the twenties I became acquainted with Joseph Dov Soloveitchik, a young man who had just arrived in Berlin from Warsaw. . . . It did not take long for us to become well-acquainted and then good friends. He often came to our house in Berlin, one of the few where he was able to eat without hesitation, even on Pessach. In this connection I should like to relate an unforgettable episode. During a visit, a few days before Pessach, he replied to my wife Raya's invitation that he be our guest on Seder night: "Great, but could I ask to be present when you kasher the cooking stove?"

“With pleasure,” said Raya, “but with the request that you tell me quite honestly, if something is not done correctly. I shall do it the way I learnt it from my Bobbe.” Joseph Dov came at the appointed time for koshering the stove. After a while he disappeared suddenly. “Oi,” said Raya, “I’ve obviously failed the test.” But lo and behold, a little later a magnificent bunch of flowers arrived, in acceptance of our invitation to participate in our Seder.⁶

At the University of Berlin, the Rav took his studies very seriously.⁷ But notwithstanding his emphasis on secular studies, the study of Torah (“*vehagita bo yomam valaylah*”) remained central to his life, and there is no doubt that he was fully engaged in the study of Torah throughout his years in Berlin. The Rav’s son, Dr. Haym Soloveitchik, recently published a *sefer* that includes a number of *chiddushei Torah* on many difficult *sugyot* in *Shas* that the Rav sent to his father during that time.⁸

In the fall of 1930, while completing his studies at the university, the Rav moved to Vilna presumably to court his future wife, Tonya Lewit, who lived there. They were married the following June and moved back to Berlin in the fall. The Rav finished his doctoral dissertation and was awarded his diploma at the end of the following year.

In August 1932, the Rav and his wife came with their newly born daughter to the United States.⁹ They were supposed to go to the Hebrew Theological College in Chicago, but when the institution could not afford to pay the Rav’s salary,¹⁰ the Rav’s father went to work to find his son a position.¹¹ In December, the family moved to Boston where the Rav was installed as head of that city’s eleven united Orthodox congregations.¹² For the next nine years, he immersed himself in raising the standards of Jewish education and *kashrut* in that city. He founded two schools: Heichal Rabbeinu Chaim Halevi, a *yeshivah gedolah* modeled after the classical

Eastern European yeshivot, and Maimonides School, a day school. Today, Maimonides School continues to flourish, but the Heichal was closed when the Rav succeeded his father as *rosh yeshivah* of RIETS in 1941.¹³

The Rav was deeply involved in *kashrut* supervision in Boston and in the entire New England area. At one point, he took to the streets to publicly picket non-kosher butcher stores that had opened in Jewish neighborhoods.¹⁴ The Rav became embroiled in bitter controversies against rabbis and *kashrut* organizations that did not meet his standards. He ruffled many feathers, and an entire campaign was orchestrated against him by Orthodox and non-Orthodox Jews alike. The situation became so bad that in 1941 the Rav was brought up on charges of racketeering, fraud, corruption and tax evasion. The complaint was brought before the Massachusetts state attorney general, and an independent investigator was appointed to determine whether the allegations were true. Two years later, the Rav was exonerated from all of the charges.¹⁵ It was also during this period of his life, in 1935, that the Rav applied for the position of the Ashkenazi chief rabbi of Tel Aviv. After spending the summer in Israel seeking support for his candidacy, the Rav lost the vote to Rabbi Moshe Avigdor Amiel of Antwerp.

On January 31, 1941 (3 Shevat 5701), Reb Moshe Soloveitchik died unexpectedly. Since 1929, he had been the *rosh yeshivah* of RIETS. A few months after Reb Moshe’s passing (and after a complicated struggle), the Rav was invited to succeed his father. He delivered his first *shiur* at RIETS on May 13, 1941.¹⁶

The Rav already had some national exposure, but now he had an opportunity to turn his attention to the broader canvas of the American Orthodox community. He began to write important articles. (“Ish HaHalakhah,” “The Halakhic Mind” and “UVikkashtem MiSham”

were all written in the mid-1940s although the latter two were not published until many years later.)¹⁷ Over the years, the Rav also published a number of other long articles, but he clearly made his greatest and most long-lasting impact through his *Torah Shebeal Peh*.

It was also in the mid-1940s that the Rav moved from the Agudas Harabonim to the Rabbinical Council of America and from Agudas Yisrael to Mizrahi; over the next forty years, he had a powerful impact on both of these organizations.

As the Rav’s reputation grew, and as his *talmidim* began to take positions at the forefront of the Orthodox and general American Jewish community, his influence began to spread throughout the country and beyond. He spent the following decades actively involved in teaching Torah and leading a community that constantly sought his advice. He began to slow his pace in the mid-1980s and was *niftar* a little over ten years ago, on Chol HaMoed Pesach 5753.

The Rav’s shtender. Photo courtesy of the Rabbi Joseph B. Soloveitchik Institute



Notes

1. This is a quote from Rabbi Joseph B. Soloveitchik, “A Tribute to the Rebbitzin of Talne,” *Tradition* 17:2 (spring 1978): 73.

2. For preliminary biographies of the Rav, see Aharon Lichtenstein, “R. Joseph Soloveitchik,” in Simon Noveck, ed., *Great Jewish Thinkers of the Twentieth Century* (Clinton, 1963), 281-97; Aaron Rakeffet-Rothkoff, *The Rav: The World of Rabbi Joseph B. Soloveitchik*, vol. 1 (Hoboken, NJ, 1999), 21-78; Michael A. Bierman, “Editor’s Introduction,” *Memories of a Giant: Eulogies in Memory of Rabbi Dr. Joseph B. Soloveitchik zt”l* (Jerusalem, 2003), 19-43. A comprehensive biography of the Rav is a major scholarly desideratum. See Shlomo Pick, “The Rav: Biography and Bibliography,” *B.D.D.* 6 (winter 1998): 27-44; idem., “The Rav: A Pressing Need for a Comprehensive Biography,” *B.D.D.* 10 (winter 2000): 37-57.

3. “UVikkashtem MiSham,” in *Ish HaHalakhah—Galuy veNistar* (Jerusalem, 1979), 230-32. The English translation is from *The Rav*, vol. 1, pp. 247-250.

4. See Jacob J. Schacter, “Facing the Truths of History,” *The Torah U-Madda Journal* 8 (1998-1999): 222 and n. 97.

5. Walter Wurzbarger, “Rabbi Joseph B. Soloveitchik as *Posek* of Post-Modern Orthodoxy,” *Tradition* 29:1 (fall 1994): 9; repr. in Marc D. Angel, *Exploring the Thought of Rabbi Joseph B. Soloveitchik* (Hoboken, NJ, 1997), 8.

6. Werner Silberstein, *My Way from Berlin to Jerusalem* (Jerusalem, 1994), 24-26. My thanks to Mr. Michael Bierman for bringing this work to my attention.

7. A. Lichtenstein, “R. Joseph Soloveitchik,” 283-84; J. Schacter, “Facing the Truths of History,” 218-222.

8. See, for example, *Iggerot haGrid Halevi* (Jerusalem, 2001), 8, 90, 130, 141, 161, 211, 219, 222, 223, 231, 273.

9. For copies of the Rav and his wife’s “Declaration of Intent,” (the documents needed to become citizens of the United States), including photographs of both of them and the dates and places of their birth and marriage, see Shaul Shimon Deutsch, *Larger Than Life: The Life and Times of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson* (New York, 1997), 280-81.

10. Oscar Z. Fasman, “After Fifty Years, an Optimist,” *American Jewish History* 69:2 (December 1979): 160.

11. See Reb Moshe’s letter to Rabbi Yehuda Leib Forer of Holyoke, Massachusetts, in Mayer S. Abramowitz, *Chachmei Yisrael of New England* (Worcester, Ma., 1991), 98. Rabbi Forer was a *talmid* of Reb Moshe’s father, Reb Chaim, and was known as the “*Illuy* of Pruzhin,” the town where Reb Moshe spent the first ten years of his marriage. Rabbi Forer was a close friend of Reb Moshe’s; when the Boston community held a memorial meeting for Reb Moshe shortly after he passed away in January, 1941, Rabbi Forer was one of the speakers. See *Hapardes* 15:1 (April 1941): 6.

12. *Jewish Advocate*, 16 December 1932, 1.

13. For all the Rav’s efforts in this field during the 1930s and early 1940s, see Seth Farber, *An American Orthodox Dreamer: Rabbi Joseph B. Soloveitchik and Boston’s Maimonides School* (University Press of New England; forthcoming), chap. 2-3.

14. See, for example, *Hapardes* 12:1 (April 1938): 26


15. See the article by Rabbi Joseph Shubow in *Hapardes* 17:10 (January 1944): 23-27. To the best of my knowledge, this is the only time *Hapardes* published an article in English and one by a Conservative rabbi. For more on the close relationship between the Rav and Rabbi Shubow, see *The Rav*, vol. II, 32-33; Seth Farber, “Reproach, Recognition and Respect: Rabbi Joseph B. Soloveitchik and Orthodoxy’s Mid-Century Attitude Toward Non-Orthodox Denominations,” *American Jewish History* 89:2 (June 2001): 193-214.

16. A report about the first *shiur* delivered by the Rav at RIETS can be found in *Hapardes* (June 1941): 11. Immediately following the story—in the same column of that publication—is a report of a *kabbalat panim* tendered in honor of Reb Aharon Kotler, who arrived in New York in search of affidavits for his *talmidim* caught in Hitler’s inferno. That these two events—the Rav’s beginning to say *shiur* and Reb Aharon’s arrival in America—were reported on the same page in the same publication at the same time is no coincidence; together they represented the beginning of a new chapter in the history of Torah learning in America.

17. “Ish HaHalakhah,” *Talpiyot* 1:3-4 (1944): 651-735; *The Halakhic Mind* (New York, 1986); “UVikkashtem MiSham,” *Hadarom* 47 (5739): 1-83.



The title page from the Rav’s doctoral dissertation from the University of Berlin.

When I was six years old the Rav caressed my cheek. I have continued to feel that caress ever since—on my cheek, my heart and my mind. The Rav was my life-long role model. Although it is ten years since his passing, *Klal Yisrael* misses him greatly—his dazzling intellect, charismatic personality, spellbinding oratorical skills, charming sense of humor and overwhelming fealty to the *mesorah* combined with an openness to the best in the world around him. We miss his courage—the courage to do what was right even when it was not easy, and often it was not easy. The Rav played a major role in the revival and growth of Orthodoxy in America through his ability to present tradition in its most pristine form in a way that resonated with the modern American mind. May his memory be for a blessing. 

This article is an edited transcript of a lecture delivered at a session in honor of the tenth yahrtzeit and one hundredth birthday of Rabbi Soloveitchik, held at the National Convention of the Orthodox Union in December 2002.

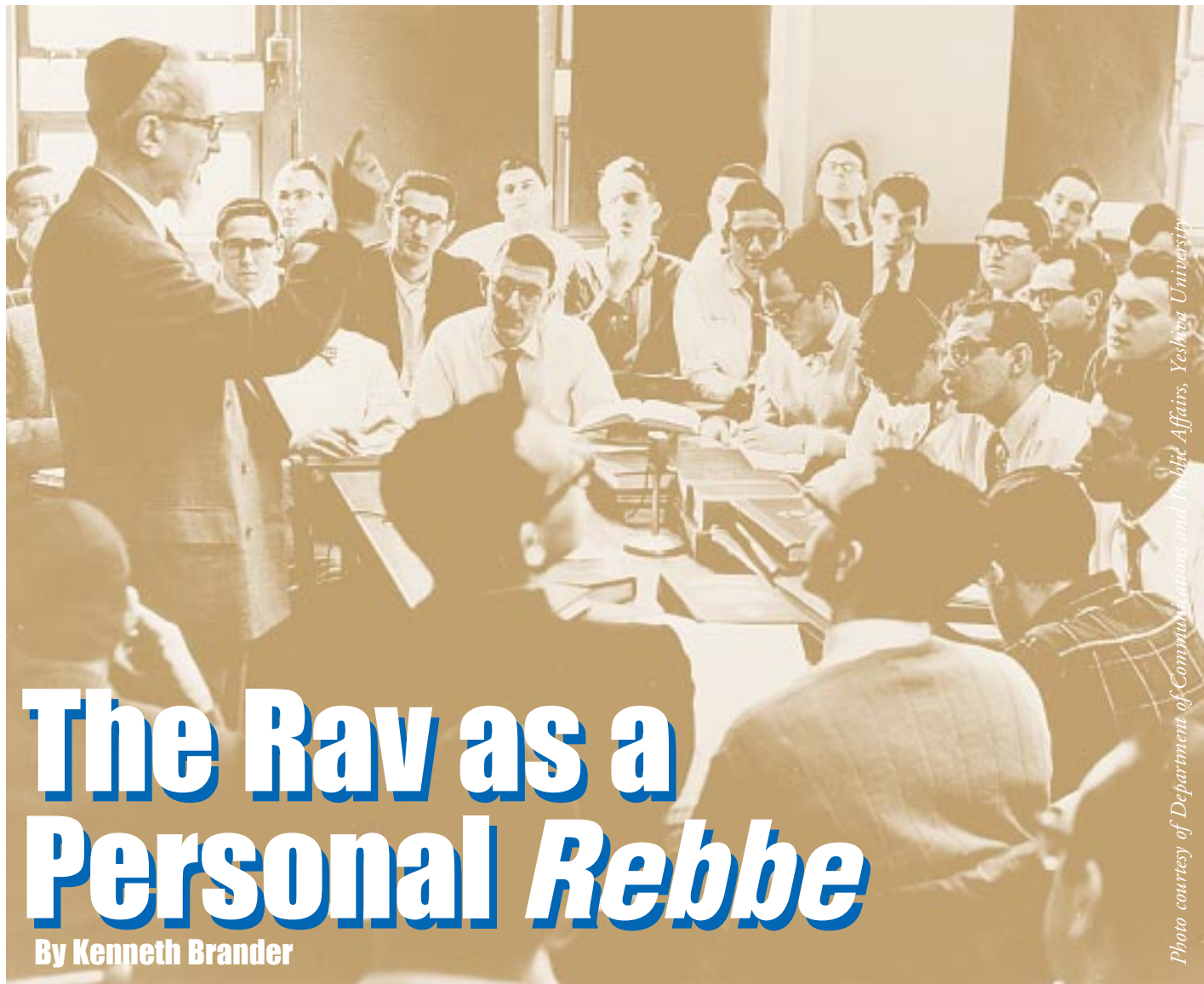


Photo courtesy of Department of Communications and Public Affairs, Yeshiva University

The Rav as a Personal Rebbe

By Kenneth Brander

When most people think of Rav Joseph B. Soloveitchik, they tend to focus on his brilliance. I do not have the ability to expound on the Rav's intellectual greatness. However, as someone who, from age nineteen through twenty-three, was not only in the Rav's *shiur* but also was one of his *shamashim* (assistants), I was blessed to be able to observe the Rav closely, spending more time with him than I did with my own parents.

I got the position of *shamash* because my *chavruta*, who was one of

Rabbi Brander is the senior rabbi of the Boca Raton Synagogue and the dean of the Community Kollel and the Weinbaum Yeshiva High School in Florida.

the Rav's *shamashim*, was leaving Yeshiva University (YU) for medical school. He suggested me as someone who could take his place; soon after, the Rav's son, Dr. Haym Soloveitchik, asked me to serve as the Rav's *shamash*. Initially, I turned down the position. The thought of being in the Rav's presence, on a daily basis for long periods of time, was too intimidating. However, Rabbi Yosef Blau, the *mashgiach* of YU, encouraged me to reconsider; listening to Rabbi Blau was one of the best decisions of my life.

Rav Moshe Feinstein was fond of saying that the Rav was the *melamed* of our time. In *shiur*, the Rav was at home with any *sugya* in *Shas*, any issue in *halachah* and any philosophical

idea. His philosophy of Judaism was often articulated with language found in Kant, Hegel, Kierkegaard and Cohen, but his ideas were predicated on the ideals found in Rambam and Ramban. He used all of his knowledge to be an effective teacher, and every *shiur* introduced us to another color in the tapestry of Torah. I remember the Rav once explaining why *hotza'ah* (carrying on Shabbat) was categorized by Tosafot as a *melachah geruah*, an inferior creative act Biblically forbidden on Shabbat (*Shabbat* 2a, s.v. *yezot haShabbat*). While *melachot* forbidden on Shabbat are normally creative in nature, *hot-za'ah* lacks a creative aspect. To explain the difficulty the rabbis had in classifying *hotza'ah*, the

Rav drew an analogy to the Communist party. He described how the Communist leaders tried to show how every type of workers' union was productive, but they had difficulty articulating the productivity of the transportation union. Unlike every other union that created a product, the transportation union simply moved goods from one location to another. Just as the union did not easily classify as being productive, *hot-za'ah*, said the Rav, did not easily classify as a forbidden category of work.

The Rav's clarity, charisma and intellectual integrity made *shiur* exciting, and his classroom became a gathering place for all types of people—from young *semichah* students to veteran *roshei yeshivah*. Immediately after Sukkot or during the first week of Nisan, when YU was in session and other yeshivot were on vacation, the Rav's *shiur* would be attended by many guests who just wanted to see and hear the Rav.

Often at the end of the *shiur*, there would be questions on what was taught, and the Rav would answer them all. One time, a younger student asked a question. The Rav answered the question and ended *shiur*. As I was leaving, the Rav asked me if I knew where that particular student ate lunch. I told him I thought at a restaurant called Mc'Dovids. The Rav indicated that he wanted to go there. As we entered the place, the students from MTA (YU's high school), who were playing pinball, recognized the Rav and froze. Even the non-Jewish man flipping hamburgers behind the counter, who knew who the Rav was, froze. The Rav went over to the student, who was trying to digest his hamburger, and indicated that he would base the following day's *shiur* on the young man's question.

At one point, due to the Rav's health, his *shiur* had to be limited to two hours. During *shiur*, I typically sat next to the Rav. I devised a technique to deal with the time limit. I would

slip pieces of paper to the Rav depicting the passage of time. The first day the system worked like a charm. I handed the Rav a sheet indicating that two hours had passed, and he ended *shiur*. Everyone in the *shiur* was shocked. The next day, however, after I signaled the Rav, he continued to teach. How does a twenty-year-old deal with the fact that the *gadol hador* is not following his medically prescribed time limit? All the students had their eyes fixed on me to see how the situation would unfold. After another forty-five minutes passed, I rose, closed the Rav's Gemara and announced that *shiur* was over. The entire room was quiet. The Rav turned to his students and said, "Even the Satan doesn't have as good an assistant as I do." All the students laughed, and *shiur* was over. Rather than engage in conversation, I walked silently with the Rav to Morgenstern Dormitory. He asked me what was wrong. I told him that I had not ended the *shiur* of my own accord. I was just following instructions. I would have loved to sit in *shiur* for an extra hour. The Rav responded, "Kenny, you know that when I wake up in the morning, I am in pain, and in the afternoon many times I am in pain. But when I deliver a *shiur*, I am pain free. You know better than the doctors. You know that when I am teaching I have no pain." How true that statement was. Often the Rav entered *shiur* with blurred vision, yet he would read the *gemara*, Rambam and Rashi as if his sight were fine. Sometimes he would ask me to open the Gemara to the *daf* he was teaching. He would point to the *gemara* as if he were reading the *gemara* from the text, but I knew that he wasn't; he was reciting it by heart.

The next day in *shiur*, I decided I was not going to remind the Rav when to stop. However, an hour-and-a-half into the *shiur*, the Rav turned to me and asked how much time was left.

The Rav had a reputation for being tough in *shiur*. The demands he made

on his *talmidim* were due to the love he had for them and to his commitment to being the best *melamed* he could be. However, outside of *shiur*, his demeanor was welcoming and gentle. I remember many times people left the Rav's apartment comforted, either

The Rav was at home with any sugya in Shas, any issue in halachah and any philosophical idea.

because the Rav had a solution to their problems or simply because he had listened so intently. Hearing the pain of another Jew had an effect on the Rav. His meetings with people—whether it was with Menachem Begin or with a simple Jew—never became routine. After meeting with someone in distress, it would become harder for the Rav to walk, sleep and eat. Aware of how the Rav internalized the pain of others, we made sure not to schedule consecutive appointments. The Rav cared about everyone, including Mrs. O'Shea, the Irish woman who cleaned his apartment, and the security guard in the Morgenstern hallway. He was a regal person and treated everyone with respect.

Toward the end of his tenure at YU, one of us *shamashim* would sleep in the Rav's apartment every night. The Rav would always wake up early, but I remember once waking up around three o'clock in the morning and realizing that the Rav was not in his bed. He was sitting in his chair in the living room. I asked him what was wrong. Apparently, that afternoon, some individuals had asked him a halachic question. He told them to return the

next day for the answer. The Rav said that he knew what the *halachah* was but that it would be heartbreaking for them. Therefore, he could not sleep.

There was a special camaraderie that the Rav shared with Rav Moshe, Rav Yaakov Ruderman and the Lubavitcher Rebbe. Whenever Chabad came out with a new *sefer*, the Rebbe would send *shelichim* to the Rav to give him a copy. Rav Moshe, Rav Ruderman and the Rav would call one another before every *chag*. On Tā'anit Esther of 1986, when Rav Moshe was *niftar*, the Rav was not feeling well. His family was concerned and asked us *shamashim* not to inform the Rav of the *petirah* (death). The next morning, *The New York Times* that was normally delivered to the Rav's apartment was somehow not received, and the radio next to his chair, which was always tuned to News Radio 88, was broken. We thought we had done a great job of shielding the Rav from the news.

I rarely spent time in the afternoon in the Rav's apartment. I was in Rav Hershel Schachter's *kollel*, and therefore I was only in the apartment late at night and early in the morning. However, the week before Pesach, the Rav had one of the other *shamashim*

The Rav's classroom became a gathering place for all types of people—from young semichah students to veteran roshei yeshivah.

call the third-floor *beit midrash* and ask that I drive him to the airport. This was clearly not the norm. Until this day, every time I travel on a certain stretch of the Grand Central Parkway, I have a hard time steering



With Kenneth Brander at his wedding. Photo courtesy of Rabbi Brander

because I remember the Rav turning to me and saying, "Kenny, why didn't you tell me that Rav Moshe Feinstein was *niftar*?" At the time, I did not know what to say. Eventually as we got closer to the Eastern Airlines shuttle, I turned to him and said, "Atara [his daughter] told us not to tell you."

I thought we had done an incredible job of keeping this secret and wanted to understand where we had failed. "Rebbe, how did you find out?" I asked. He replied, "It was Rav Moshe's turn to call me to wish me a good Yom Tov, and there could only be one reason why he didn't call."

When I got engaged, I wanted my *kallah* to meet with the Rav, so I asked his permission to bring her to the apartment. He immediately said yes. Parkinson's disease especially affected the Rav at night, and it was hard for him to walk. But when he heard that my *kallah* was at the door, he got out of his chair on his own, walked to the door, opened it and escorted her to the couch. Only after she sat did he take a seat.

It was a tremendous *berachah* that the Rav attended our wedding. Under the *chuppah*, he had several memorable exchanges with us. Tragically, it was his last public event.

Most people think that the Rav inherited Rav Chaim's mind. The truth is that he also inherited Rav Chaim's

heart. I would like to conclude with the idea Rav Ahron Soloveichik, *zt"l*, stated at his brother's funeral. When the *Beit Hamikdash* was burning, the *pirchei kehunah* (younger priests) went to the rooftop to surrender the Temple keys to heaven. Rav Ahron explained that this was not an act of greatness but rather one of cowardice. Even when the *Beit Hamikdash* was burning, no one had the right to surrender. And it was that surrender that doomed the Jewish people to a long and difficult *galut*.

Over the past fifty years or so, many of us have had the *zechut* of being students of the Rav. His passing is not a time to surrender or abandon his calling but to recommit ourselves to be both the students and teachers of his tradition. We must recommit ourselves to embrace not a Torah shaped by modernity but a modernity that is shaped by Torah. May Hakadosh Baruch Hu strengthen us and give us the capacity to move from being students of the *mesorah*, students of *moreinu verabbeinu haRav* Yosef Dov Soloveitchik, to being teachers of his *mesorah*. *Yehi zichro baruch.* JA

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Towards a Philosophy of Halachah

By Mayer Twersky

The Rav's Unwritten Work

Rav Yosef Dov Soloveitchik, *zt"l*, concludes his philosophical monograph, *Halakhic Mind*, on an exciting and tantalizing note. "Out of the sources of Halakhah, a new world view awaits formulation." This sentence is exciting because it promises new vistas of thought—a comprehensive philosophy of *halachah*. But it is also frustratingly and endlessly tantalizing because the Rav, for whatever reason, never wrote the sequent volume on the philosophy of *halachah*. A careful review of the Rav's writings, however, can somewhat assuage our frustration. In his writings, the Rav—at times in a remarkably didactically conspicuous fashion—develops elements of the philosophy of *halachah*.¹ Scattered throughout the Rav's works we can discern paragraphs and even whole chapters of the book that was never written.² This article seeks to clarify the concept of philosophy of *halachah* and then to gather and piece together some fragments of the book that was never written.

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I begin with a word of caution and a plea for forbearance. This article is not formally organized or rigorously structured. It is difficult to isolate specific elements of the Rav's thought. In his thought, content is inseparable from method, *halachah* from philosophy. His thought is rich and stimulating and, accordingly, sets one's mind racing with all sorts of associations. Consequently, even though I have the topic of the philosophy of *halachah* in mind, it seems inordinately difficult and, more importantly, entirely undesirable, to streamline the presentation. Hence, the reader will—indulgently, I hope—encounter a variety of associations and tangential observations along the way.

The occasion for this study is the recent posthumous publication of two wonderful volumes from the Rav: *Worship of the Heart* (New Jersey, 2003), which incisively analyzes the concept of prayer while lyrically depicting the experience of prayer, and *Out of the Whirlwind* (New Jersey, 2003), which depicts the halachic approach to, and quintessential religious experience of, adversity, suffering and mourning.

Exciting and enthralling in their own right, these volumes also under-

score the remarkable creativity of the Rav's earliest published writings, *Halakhic Man*, *Halakhic Mind* and "UVikkashtem MiSham." For example, the incisive analyses of mourning and rejoicing as well as the dialectical nature of the religious experience have already been anticipated in "UVikkashtem MiSham." Similarly, the profound discussion of time and the Jewish existentialist philosophy of being and becoming in *Out of the Whirlwind* echo the Rav's words in *Halakhic Man*. And, most importantly for our present purposes, the Rav's pioneering thesis regarding the philosophy of *halachah*, first articulated in *Halakhic Man*, reverberates throughout both of these new volumes. To be sure, the Rav's elaboration and popularization of these seminal ideas are extremely valuable; nonetheless the singular, extraordinary creativity of the Rav's earlier works is effectively highlighted.

Equally remarkable is that these earlier works were all pioneering essays written in the early 1940s, a time of unprecedented national tragedy and, for the Rav, personal tragedy as well. (The Rav's father, with whom he shared a remarkably close relationship, died in 1941.) One could ascribe biological reasons for this paradoxical

symbiosis of tragedy and creativity. I believe, however, that the appropriate perspective is metaphysical, not simply biographical.

From time immemorial, whenever the identity of the individual and community was shattered, man encountered God (e.g., the Paradisiacal man after his fall; Moses after the episode of the golden calf). Religious experience is born in crisis.³

God reveals Himself to man in the wilderness . . . Not in a settled and flourishing land, but rather in the plains of a great and awesome desert—a forsaken land, the shadow of death—does the Almighty appear with some of the myriads of the holy . . . The Holy One, blessed is He, revealed himself to Adam when the latter had sunk in the miry pit of the primordial sin, which separated him from his Creator, and he did not

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anticipate divine revelation . . . Initially God reveals Himself to man when evil triumphs in the world, at a time when the beauty of life has been removed . . . The word of God initially comes at a time of historical and metaphysical desolation.⁴

The Rav's phenomenology of Divine revelation accounts for his own burst of creativity, as well.

The publication of these volumes coincided with the tenth anniversary of the Rav's passing as well as the one hundredth anniversary of his birth. This convergence invites us to reflect on the corpus of the Rav's writings and philosophy in the context of his life and times. It is especially rewarding to reflect upon the Rav's attitude towards "modern" questions because this will provide insight into his entire literary oeuvre.

One might have anticipated that the Rav would have systematically addressed "modern" questions. He certainly possessed the "intellectual capital" to do so. He achieved "sovereign mastery" over all philosophic, scientific and humanistic knowledge.⁵ He seemingly effortlessly employed modern Western vernacular. And yet, the Rav did not address some glaringly "modern" questions. He did not seek to reconcile apparent contradictions between the dicta of modern science and Torah, such as the age of the world or the fossil record, and he did not respond to the heresies of Biblical criticism.

My revered father, *zt"l*, observed and explained this distinctive feature of the Rav's writings:

[There] is no attempt to demonstrate that traditional Judaism is completely congruent with philosophy (or any part of it). This truly noteworthy feature is a result of the fact that for the Rav there was nothing essentially problematic about the masorah; he did not feel compelled to prove that Torah and philosophy or science are compatible.⁶

Accordingly, the Rav undertook to actively exposit, rather than reactively defend, Judaism. This does not mean that he ignored all questions. On the contrary, his non-apologetic stance notwithstanding, he did respond to several challenges of the day. But the Rav responded only to those challenges to religion in general or to Judaism in particular that fell within the purview of his exposition of *Yehadut*.

Thus, in *Halakhic Mind*, in his discussion of objectification within religious life, the Rav responds to the derisive critics of so-called "rabbinic legalism"⁷—critics who fail to grasp that *halachah* is the religious system par excellence of objectification and quantification of religious norms and experience. Similarly, in *Halakhic Man*, apropos of his phenomenology of religious experience, the Rav exposes the superficiality and distortion of the utilitarian conception of religion as a haven of tranquility.⁸ And in "Ma Dodech Midod," the Rav's depiction of the conceptual, ideal world of halachic thought, which he analogizes to the ideal constructs of modern sci-

entific thought, exposes the fundamental misunderstanding and misdirectedness of the attempts to historicize or psychologize *halachah*.⁹

As for the vexing questions involving the fossil record and the like, which pose external challenges and thus did not fall within the Rav's purview, I believe that we can transpose an insight that the Rav was wont to share during his *shiurim*. When confronted with a question regarding his analysis, the Rav would immediately intuit whether the question represented a possible refutation of his explanation. When it did not, the Rav did not feel compelled to answer it in order to justify his interpretation. If the truth of his explanation was overwhelmingly clear, questions were just that—questions, but not potential refutations. On such occasions the Rav would say, "*Men shtarbt nisht fun a kasha*" ("One does not die from a question"). Similarly, the Rav was convinced that if Jews understood Judaism—its way of life and philosophy—any question would be just that, a question and no more.

Accordingly, the Rav was preoccupied with seminal, internal issues of Judaism and Jewish thought. *Halakhic Man* is a pioneering tour de force, which depicts the spirituality and teleology of *halachah*. It opens a window into the spiritual world of halachic man. "UVikkashtem MiSham" describes the quest for *deveikut* with God. It is essentially a pietistic work with an emphasis on intuitive knowledge and immediacy of religious experience, as opposed to discursive knowledge and impersonal reason.¹⁰

Halakhic Mind is the most difficult and challenging of the Rav's writings. In this remarkable monograph, the Rav develops the idea that there is a philosophy of *halachah* and a methodology for reconstructing it. He thus revolutionizes Jewish thought with his assertion that "many concepts employed by science and philosophy are incompatible with religious theoretical schemes. Elementary concepts such as time, substance, causality and reality, in order to become eligible for religious knowledge, must be reviewed and reinterpreted. . . . To this end

there is only a single source from which a Jewish philosophical *Weltanschauung* could emerge; the objective order—the Halakhah. . . . Problems of freedom, causality, God-man relationship, creation, and nihility would be illuminated by halachic principles."¹¹

Let us carefully clarify the Rav's revolutionary breakthrough regarding the existence of a philosophy of *halachah*. Philosophy is the study of the assumptions, axioms and underlying principles of a particular system or discipline. Thus, the philosophy of science, for example, concerns itself with the axioms and assumptions of science. What metaphysical assumptions underlie the scientific endeavor? What defines a scientific theory? What characteristics must it possess to be considered scientific? The laws of gravity and relativity belong to the domain of science. The assumption that the natural world is orderly and governed by physical laws accessible to man's intellect and the insistence that a scientific theory be verifiable or refutable, belong to the domain of the philosophy of science.

General philosophy deals with basic questions regarding time, space, causality, et cetera—the basic, axiomatic categories of human thought and experience. What is time? Does it exist independently or is it just a descriptive category of measurement—(e.g., is it an hour's drive?) If time exists, is it homogenous or heterogeneous? Similarly, space, causality and other basic categories invite the same scrutiny.

Religious philosophy investigates the assumptions, axioms and underlying principles of man's relationship with God. What relationship exists between God who is infinite, eternal and absolutely self-sufficient and man who is finite, mortal and dependent? The nature of religious experience and related issues are scrutinized.

Halachah, according to the Rav, addresses the domains of both religious and general philosophy. First of all, halachic principles can illumine the nature of man's relationship with God. The second element of the Rav's

thesis is even more remarkable—basic philosophical ideas and religious experiences regarding space, time and causality are objectified within *halachah*.

Halachah, according to the Rav, is not simply a legal system but also an objectified philosophical system. Within *halachah*, fundamental philosophical concepts and religious experiences have been translated into halachic norms.¹²

The Rav's contribution can best be delineated and appreciated in the context of the history of Jewish thought. In the eleventh century Rabbeinu Bachya "redeemed" the idea of "duties of the heart"¹³—that is, the idea that *halachah* does not simply regulate activity and behavior, but also that it regulates thought and emotion. This idea, however, its centrality notwithstanding, is not the same as the Rav's. Emphasizing commandments such as *bitachon*, *yirah* and *ahavah* (trust, fear and love of God), all of which are "duties of the heart" and not "duties of the limbs," does not expose or presuppose a philosophy of *halachah*. A philosopher of *halachah* systematically discovers—when present—the philosophical axioms and religious realities, which are objectified within these "duties of the heart." The Rav did precisely this. While Rabbeinu Bachya, in his trailblazing work, defines the "duties of the heart" and emphasizes their centrality, he does not analyze these commandments in order to reconstruct axioms and experiences of religious philosophy, as the Rav did.¹⁴ Moreover, the Rav's philosophy of *halachah* is to be gleaned from "duties of the limbs" as well.

The great medieval Jewish philosophers such as Rabbi Yehudah Halevi and Maimonides constructed elaborate philosophical systems but did not systematically draw upon *halachah* as the primary source.¹⁵ Thus, to paraphrase the words of the Talmud, the Rav's luminous predecessors—Rabbeinu Bachya, Rabbi Yehudah Halevi and Maimonides—progenitors of the exceedingly rich tradition of Jewish thought—

allowed the philosophy of *halachah* to remain hidden whereby the Rav might achieve greatness in this realm as well.¹⁶

Defining Philosophy of Halachah

What is the philosophy of *halachah* and how is it to be derived? To understand what the philosophy of *halachah* is, we must clarify what it is not. It is possible to derive philosophy from halachic sources without these philosophical ideas qualifying as elements of the philosophy of *halachah*. In this context methodology is crucial. While some of the ensuing comments and distinctions may initially appear rather abstract, I hope that the subsequent examples of the philosophy of *halachah* will clarify these distinctions.

The first crucial distinction is that the philosophy of *halachah* does not interpret *halachah* symbolically. Symbolic interpretation treats *halachah* as a symbol and penetrates its symbolic content. Consider, for example, the commandment of eating *korech*. At first glance, it seems antithetical to eat matzah, which is associated with redemption, with *maror*, which is associated with the bitterness of enslavement. And yet the mitzvah of *korech* mandates this. Perhaps this is because the Torah is hinting that redemption is not the reversal of suffering but its culmination. In particular, the Exodus represented the culmination, rather than the mere cessation, of our experience in Egypt, whereby our national character was forged. According to God's plan—implemented according to His inscrutable will—suffering leads to redemption.

Accordingly, we are commanded to eat matzah with *maror* to signify that the suffering is actually an integral part of the process of redemption.

This explanation develops a philosophy of Divine providence out of halachic materials. Moreover, the methodology of symbolic interpretation employed, which greatly enhances our religious experience of *mitzvot* as well as our religious perspective in general, is undoubtedly valid and tra-

ditional. Nevertheless, this interpretation does not qualify as the philosophy of *halachah*; it is a philosophy of halachic symbols. In a similar vein, kabbalistic interpretations which interpret *halachah* mystically, do not reveal the philosophy of *halachah*. This mode of interpretation, as well, albeit traditional and sacred, does not reconstruct the philosophy of *halachah*. The philosophy of *halachah* can only be reconstructed by analyzing and conceptualizing the exoteric substance of *halachah*. According to the Rav, *halachah*, substantively interpreted, is a source—veritably, the most authentic source—of Jewish philosophy.

The Rav describes the method whereby the philosophy of *halachah* can be exposed as “reconstruction.” “. . . philosophy of religion performs an act of reconstruction.”¹⁷ “. . . the method of reconstruction . . . is of immense importance in the field of Jewish philosophy.”¹⁸ The underlying reasoning of this methodology is compelling. In Judaism religious experience and belief are objectified.

*The Halakhah is no longer satisfied with the inner image, and it demands externalization and actual representations. The purely experiential search ends in action.*¹⁹

*The Halakhah is distrustful of the genuineness and depth of our inner life, because of its vagueness, transience, and volatility. Therefore, it has introduced, in the realm of the experiential norm, concrete media through which a religious feeling manifests itself in the form of a concrete act.*²⁰

Judaism insists that religious experience and belief be manifested in *halachically* prescribed forms. Consequently, reasons the Rav, the way to discover the religious experience and beliefs viz., the philosophy of *halachah*, is to retrace the objectification process. The procedure is retrospective.²¹ In other words, the task of the philosopher of *halachah* is to reconstruct the experiences or axioms concretized within the practical *halachah*.

Although the Rav is breaking the new and fertile ground of the philosophy of *halachah*, the methodology is uncannily familiar. Elsewhere the Rav

describes Reb Chaim’s Talmudic methodology (*derech halimud*):

*Reb Chaim revealed the light within this tractate (i.e., Keilim); he made it shed its practical garb and introduced the concept in place of the fact, the logical relationship in place of the actual connection, ideal content in place of concrete objects. . . . Just as he introduced a new interpretation to these disciplines, so too he probed and weighed and interpreted according to his method, the method of conceptualization, all areas of Torah. Everywhere he gazed and every topic that he touched was transformed into halakhic content, conceptual idea and abstract essence.*²² The Rav’s method for reconstructing the philosophy of *halachah* is essentially Reb Chaim’s *derech halimud*.²³

The “What” and the “Why” Question

Before proceeding further, one final note of clarification is needed. The philosophy of *halachah* does not entail philosophizing about *halachah* but rather analyzing and conceptualizing it. Philosophizing poses the “why” question whereas conceptualizing poses the “what” question. *In this respect the metaphysical thesis that the problem of philosophy is . . . the “what” is correct. . . . At this point many philosophers have blundered. The curse of the “why” question followed them relentlessly.*²⁴

Imagine a student questioning *what* he will study in an American history course. He is told that he will learn about the colonies, the struggle for independence, the Declaration of Independence, et cetera. The “what” question has given him insight into American history. A second student questions *why* he must take the course. Ultimately, the answer must be because the school board has mandated it. A sensitive teacher may rationalize the decision and explain that it is important for people to learn about their heritage, but the student will remain clueless about American history. Whatever ideas or values emerge in the answer to his question, they are superimposed from without; they are not part of the discipline of American

history. We can now appreciate the Rav’s rejection of the “why” method.

*It has already been made clear that philosophically the causalistic method [i.e., the “why” method] invariably leads to penetrative description. The enumeration of causes never exhausts the eidetic substance [the idea] itself. It discloses the “what has gone before” but never the “is” of the subject matter.*²⁵ *As soon as they had begun to interpret religious phenomena causally, they negated their very object.*²⁶ *The only method open is the retrospective which explores the objective series for the sake of excavating hidden strata underlying these objective forms.*²⁷

In other words, only the “what” question can lead to an understanding of the beliefs and experiences objectified within the halachic norm. “What” questions can help reconstruct the philosophy of *halachah* concretized within *halachah* while “why” questions invite supra-halachic answers, which do not constitute the philosophy of *halachah*.

Interestingly, Reb Chaim’s *derech halimud* also insists on posing the “what” and disallowing the “why” question.

Halachah’s Conception of Time

One of the most basic philosophical quandaries concerns time. Does time exist independently or is it merely a category of human thought? Physical bodies (a table, a tree) clearly exist even if no one is thinking about them. But does time also exist independently? Time certainly functions as a descriptive, cognitive category. The earth rotates on its axis once a day, it circles the sun once a year, et cetera, but does time exist in its own right even if we are not seeking to describe motion? Or is time merely a category of human thought? If time does exist independently, what is its nature? Is it purely mathematical? Quantitative time (in this context the terms quantitative and mathematical are used interchangeably), although it “flows equably without relation to anything external,”²⁸ does not “actually do anything.”²⁹ Quantitative time is “uniform, empty, and non-creative” and, as

such, even though it exists independently, it is meaningful only in a descriptive sense, as a unit of measurement.³⁰ “How ‘old’ are you?” “How ‘long’ is the trip from the United States to Eretz Yisrael?” Accordingly, the basic units of time are linked to motion. Time is measured “by the rotation of the earth on its axis, and its revolution about the sun.”³¹ Quantitative time has no inherent qualities, hence its nomenclature. Or does time exist in a qualitative sense as well? According to this approach, time is not simply a “system of reference,”³² it exists meaningfully in its own right, not simply in the descriptive sense of “how old,” “how long,” et cetera. Moreover, qualitative time is perceived as “pure duration.”³³

According to *halachah*, the Rav explains, time undoubtedly exists in a qualitative as well as a quantitative sense. Moreover, *halachah*, as evidenced by the cardinal principle of *kedushat hazeman* (sanctity of time), operates with a unique understanding of qualitative time. Qualitative time is capable of heterogeneity. Time possesses distinctive qualities. “Time is not a mere void but a ‘reality.’ Religion ascribes to time attributes such as ‘holy,’ ‘profane,’ but these can be applied only to a substance.”³⁴ The heterogeneity of time, viz., its division into sacred and profane, the subtle distinctions within sacred time between Shabbat and Yom Tov, et cetera, in the halachic system, allows the Rav to reconstruct *halachah*’s unique qualitative conception of time.

But *halachah*’s philosophy of time is even more resplendent. The halachic conception of time, which the Rav discovers as the underpinning of *teshuvah* (repentance), is breathtakingly new and profound.

Halachah’s conception of *teshuvah* is epitomized within the following rabbinic apothegm: “*Gedolah teshuvah shezdonot na’asot lo kezzechuyot.*” (“Great is repentance, for deliberate sins are accounted to him as merits”).³⁵ For *halachah*, repentance consists of not merely regretting past sins but of changing oneself. And to change oneself is to change the past. From a religious experiential perspec-

tive, the past does not irretrievably slip away like sand in an hourglass. A person’s spiritual identity—his character, convictions and inclinations—in the present, is the composite of past influences and experiences. Thus, the past resonates and endures into the present. And thus to change oneself and reverse the direction of one’s life is, in a religious sense, to change one’s past. The factualness of the past (e.g., Reuben ate non-kosher food) is unalterable, but its spiritual reality (e.g., Reuben sinned and contaminated himself), which continues into the present, is malleable. Our sages have expressed precisely this idea in their dictum that repentance can transform deliberate sins into merits. Moreover, by the same spiritual logic, the future is not something unborn; rather it is firmly rooted in one’s present spiritual identity. One’s spiritual identity does not merely prognosticate the future; it encapsulates the future. Thus, in the halachic view, past, present and future coexist. And with the primordial power of *teshuvah*, one is sovereign over all elements of time.

*Halakhic man is engaged in self-creation, in creating a new “I.” He does not regret an irretrievably lost past but a past still in existence, one that stretches into and interpenetrates with the present and future. . . . Halakhic man is concerned with the image of the past that is alive and active in the center of his present tempestuous and clamorous life and with a pulsating, throbbing future that has already been “created.”*³⁶

The time consciousness of halachic man encompasses not only his own past but also the past of the Jewish people. Just as halachic man’s individual past resonates and lives in the present so does our collective, national past. Within halachic man, historical consciousness becomes personal consciousness.

The whole thrust of the various commandments of remembrance set forth in the Torah—for example, the remembrance of the Exodus, the remembrance (according to Nahmanides) of the revelation at Mount Sinai, . . . is directed toward the integration of these ancient events into man’s time consciousness. . . . The commandment to relate the story of

*the Exodus carries with it a unique halakhah: “In every generation a man must regard himself as if he came forth out of Egypt.” But how can a person regard himself as one of those who left Egypt . . . if not by including himself in this ancient past . . . ?*³⁷

The past lives into the present and future in another realm as well. Our *mesorah* is not simply a legacy or spiritual heirloom; it, too, resonates and continues into the present and future. Similarly, within the act of *talmud Torah*, the sages of all generations transcend the boundaries of past and present and are contemporaries.

*The masorah, the process of transmission, symbolizes the Jewish people’s outlook regarding the beautiful and resplendent phenomenon of time. The chain of tradition, begun millennia ago, will continue until the end of all time. Time, in this conception, is not destructive, all-consuming, and it does not simply consist of fleeting, imperceptible moments. . . . The consciousness of halakhic man, that master of the received tradition, embraces the entire company of the sages of the masorah. He lives in their midst, discusses and argues questions of Halakhah with them. . . .*³⁸

Time possesses these remarkable qualities because Hashem created it not only as something transient but as something eternal as well. Transient time slips away and is forever lost. Eternal time is experienced and lives into the present and future.

*Judaism declares: There can be no eternity without time. On the contrary, everlasting life only reveals itself through the medium of the experience of time—the hour is transformed into infinity, the moment into eternity. . . . The fleeting, evanescent moment is transformed into eternity.*³⁹

Enlightened by the Rav’s remarkable reconstruction of *halachah*’s philosophy of time, we glimpse an exciting, holistic dimension of knowledge. Our sages teach that in creating the world, Hashem “looked into the Torah and created the world.”⁴⁰ In other words, Torah is the blueprint for Creation. At first glance, this comment is quite puzzling. Torah is comprised of religious, not physical, laws and concepts. How could Torah serve as the blueprint for

the universe? Upon reflection, it becomes clear that our sages are revealing that there exists a dazzling symmetry between the spiritual and physical. The physical universe reflects aspects of the spiritual universe. This principle is especially pronounced in *kabbalah*, the Jewish mystical tradition. Accordingly, *kabbalah* metaphorically employs physical imagery in presenting spiritual concepts.

The Rav's remarkable philosophical exposition of halachic time, when juxtaposed with the teachings of modern physics regarding physical time, provides a splendid example of such holistic symmetry. Dr. Paul Davies, a contemporary physicist, contrasts the conventional, common sense understanding of time with that of modern physics.

*The past we think of as having slipped out of existence, whereas the future is even more shadowy, its details still unformed. . . . Obvious though this commonsense description may seem, it is seriously at odds with modern physics. . . . Physicists prefer to think of time as laid out in its entirety—a timescape, analogous to a landscape—with all past and future events located there together. It is a notion sometimes referred to as block time.*⁴¹

Dr. Davies reiterates this contrast. *According to conventional wisdom, the present moment has special significance. It is all that is real. As the clock ticks, the moment passes and another comes into existence—a process that we call the flow of time. . . . Researchers who think about such things, however, generally argue that we cannot single out a present moment as special. . . . Objectively, past, present, and future must be equally real. All of eternity is laid out in a four-dimensional block composed of time and the three spatial dimensions.*

The imagery of a train traveling along tracks can help us understand modern physics' notion of time and partially reconcile it with our everyday experience. When a train travels along tracks, there is movement and change. But the tracks are not moving, nor do they pass out of existence as the train advances. The tracks are the analogue to time. People and objects travel along

the timeline (or, to employ Dr. Davies' coinage, the timescape). Undeniably, we age, but the past does not disappear or slip away; similarly, the future is not subsequently born. Instead past, present and future coexist.

Admittedly, we cannot travel backwards along the timescape.⁴² The time track is a one-way street. But that does not mean that the time of the past does not exist—just as if I travel in a southerly direction, the mass of land to the north still exists.

The physical conception of time adumbrated above remarkably echoes the Rav's words, which resonate so clearly. *Both—past and future—are alive; . . . From this perspective we neither perceive the past as “no more” nor the future as “not yet” nor the present as “a fleeting moment.” Rather past, present, future merge and blend together.*⁴³

Of course, there is no analogue in the physical world to the Rav's halachic-spiritual concept of changing or reliving the past in a real, spiritual sense. Some realities are exclusively spiritual. Nevertheless, this does not detract one iota from the exciting, holistic symmetry that we have glimpsed within the concept of time.

Halachic Concept of Causality

*In a similar manner, [viz., similar to the analysis of time], all basic concepts of reality should be subjected to reexamination [viz., from the perspective of philosophy of religion]. Causality, space, quantity, quality, necessity, etc., will then assume new meaning. If, for example, causality be analysed, it would be seen that neither the mechanistic causality of science nor the sensate, teleological causation of the humanistic sciences suffice for religion.*⁴⁴

The Rav's philosophical depiction of halachic time has very definite implications for the concept of causality. Within a universe where the past ceases to exist, mechanistic causality (i.e., causality that functions automatically as a machine) rules sovereign. Mechanistic causality is uni-directional. Past events cause present and future consequences.

The cause is always temporally antecedent to the effect. Within the halachic universe, however, where the past continues to exist and is malleable, mechanistic causality is dethroned. The future can influence and mold the past. Accordingly, the Rav explains, that “The law of causality, from this perspective, also assumes a new form. We do not have here the determinate order of a scientific, causal process. . . . The past by itself is indeterminate, a closed book. . . . The future transforms the thrust of the past.”⁴⁵

Halachic Concept of Free Will

Free will is axiomatic to all of *halachah*. In the words of Maimonides:

*This doctrine is an important principle, the pillar of the Torah and commandment, as it is said, “See, I set before you this day life and good, and death and evil.” . . . If God had decreed that a person should be either righteous or wicked, or if there were some force inherent in his nature which irresistibly drew him to a particular course, or to a special branch of knowledge, to special views or activities, as the foolish astrologers out of their own fancy pretend, how could the Almighty have charged us through the prophets: “Do this and do not do that, improve your ways, do not follow your wicked impulses,” when, from the beginning of his existence his destiny had already been decreed, or his innate constitution irresistibly drew him to that from which he could not set himself free? What room would there be for the whole of the Torah? By what right or justice could God punish the wicked or reward the righteous?*⁴⁶

The centrality of free will within the philosophy of *halachah*, as Maimonides describes, is immediately apparent. Its remarkable scope and magnitude, however, are not as apparent. The Rav revisits the laws of *teshuvah* in order to reconstruct these features.⁴⁷

The Rav begins his analysis by noting that Maimonides, in *Hilchot Teshuvah*, provides two differing descriptions of *teshuvah*. In chapters

one and two, Maimonides speaks exclusively of repentance for sins in the realm of action—viz., doing something that the Torah prohibits or neglecting to do something that the Torah mandates. In this context he also lists different categories of sins and details what each necessitates in attaining atonement. If one repents for neglecting to fulfill a positive commandment, complete, immediate atonement is granted. In all other cases, however, *teshuvah* as a source of atonement has to be supplemented—either with the Day of Atonement or with the Day of Atonement and suffering or with the Day of Atonement, suffering and death, depending upon the severity of the transgression.

Subsequent to this initial presentation of the mitzvah of *teshuvah*, Maimonides interpolates a discussion of free will. Revisiting the mitzvah of *teshuvah* in chapter seven, he offers a different description.

*Since every human being, as we have explained, has free will, a man should strive to repent and make verbal confession of his sins and renounce them. . . . Do not say that one need only repent of sinful deeds such as fornication, robbery and theft. Just as a man needs to repent of these sins involving acts, so he needs to investigate and repent of any evil dispositions that he may have, such as a hot temper, hatred, jealousy, scoffing, eager pursuit of wealth or honors, greediness in eating and so on. Of all these faults one should repent. . . . How exalted is the degree of repentance! Just last night this [individual] was separated from Hashem. . . . He cries aloud and it is not answered. . . . He fulfills mitzvot and they are flung back in his face. . . . Today, the same individual [having repented] is closely attached to the Divine Presence. . . . He cries and is immediately answered. . . . He fulfills mitzvot and they are accepted with pleasure and joy. . . .*⁴⁸

The Rav notes that in these *halachot*, Maimonides predicates the mitzvah of *teshuvah* upon the principle of free will, expands the charter of *teshuvah* to include character traits and includes a stirring lyrical characterization of *teshuvah* that, inter alia, clearly

indicates immediate acceptance and atonement. In all of these respects, the presentation of the mitzvah of *teshuvah* in chapter seven differs from that of chapters one and two.

The Rav accounts for these differences by invoking the Talmud's distinction between *teshuvah me'ahavah* (repentance out of love) and *teshuvah me'yirah* (repentance out of fear).⁴⁹ The impetus for *teshuvah me'yirah* is fear of punishment or guilt. Such repentance, the Rav explains, does not represent a radical transformation of the sinner's character. In sinning, man allows himself to succumb to an unsanctified instinct—for physical pleasure, wealth, honor, et cetera. But man has other core instincts as well. Instinctively, we love ourselves and fear suffering and death. Moreover, the conscience that Hashem has imbedded within us arouses feelings of guilt when we sin. When a person repents from fear or guilt, it indicates that the balance between his various impulses has shifted. In repenting, he has simply responded to the healthier impulses and instincts. The penitent *me'yirah* does not act with complete free will; he is still a captive of impulses and instincts. His free will is limited; it manifests itself only in adjudicating between opposing instincts, in overcoming a base instinct in favor of a noble one.

By contrast the penitent *me'ahavah* transcends the level of instinctual behavior. His *teshuvah* arises out of love, not out of an innate albeit noble instinct. Moreover, in acting uninstinctively out of love rather than instinctively out of fear, the penitent *me'ahavah* is able to go beyond merely repenting for specific actions; instead he totally transforms his own personality. Unlike the penitent *me'yirah* who has limited free will, the penitent *me'ahavah* discovers and exercises absolute free will. He does not merely balance or adjudicate innate impulses and instincts. Rather he forms his own instincts. *Man has the capacity to legislate and determine the content of the law of cause and effect which operates within him. Man can be the architect of his personality; with his own hands he*

*can form his character. . . . The seal of causality is indeed set upon life. . . . but it is in the hands of man [to determine the causes] and whither the law of causality will lead him. . . .*⁵⁰

One who discovers and exercises absolute free will also masters his emotions. This halachic philosophical principle underlies many *mitzvot*. *The whole concept of avelut, mourning, . . . is nurtured by a unique doctrine about man and his emotional world. . . . The Halakha holds the view that man's mastery of his emotional life is unqualified and that he is capable of changing thought patterns, emotional structures and experiential motifs. . . .*⁵¹

This concept of absolute free will that can shape and form anew the human personality is inextricably intertwined with *halachah's* conceptions of time and causality. As the Rav

...the Rav develops the idea that there is a philosophy of halachah and a methodology for reconstructing it.

explains in *Halakhic Man*:

In this outlook we find contained the basic principle of choice and free will. Choice forms the base of creation. Now causality and creation are two irreconcilable antagonists. . . . But the above applies only if the general law of natural causality which prevails in the physical realm also operates in the world of the spirit. . . . But it [choice/creation] can be reconciled with the principle of causality that is rooted in the type of time consciousness we described earlier. When the future participates in the clarification and elucidation of the past—points out the way it is to take, defines its goals, and indicates the direction of

its development—then man becomes a creator of worlds. Man molds the image of the past by infusing it with the future, by subjecting the “was” to the “will be.”⁵²

The Rav reconstructs *halachah's* conception of absolute free will. Such free will is unfettered by innate impulses and instincts and even acquired habits of the past because it is free to refine or replace them and to forge a new personality. Free will has the potential to be radically transformative. Accordingly, it not only can deter repeated transgressions, it can also correct character flaws. And since, when exercised to the fullest in the form of *teshuvah me'ahavah*, it effects a radical character transformation and forges a new personality, it results in immediate atonement for all sins. The new “I” is not punished for the misdeeds of the former “I.”

Such is the Rav's reconstruction of

In the halachic view, past, present and future coexist.

the philosophy of *halachah* regarding free will. *Halachah* does not deny that man acts on instinct and impulse and experiences powerful emotions. But he is sovereign to forge these instincts and impulses. Likewise “The freedom to adopt and accept emotions or to reject and disown them is within the jurisdiction of man.”⁵³ Careful study of the history of Jewish thought reveals ample precedent for the notion of forging and forming instincts and impulses. Let us briefly review two of these precedents and then reassess the Rav's novel contribution.

The Torah prohibits coveting. It is prohibited to covet the wife, house or any possession of a fellow Jew. Coveting per se is prohibited; even if one does not act on that feeling. The eleventh century Biblical exegete and philosopher, Rabbi Avraham Ibn Ezra, records that many are confounded by how the Torah can legislate something

of this sort.⁵⁴ “How can there be a person who will not covet in his heart what is pleasing and desirable to his eyes?” To fully appreciate this question and Ibn Ezra's answer, we need to recognize that coveting is an instinctive, emotional reaction. It is in no way premeditated. Thus, the question can be paraphrased as such: “How can the Torah prohibit an involuntary instinctive reaction?”

Ibn Ezra answers with a parable, which provides psychological insight. A poor, uneducated villager does not covet the king's daughter. Human nature is such that one does not covet that which is impossible to attain. Ibn Ezra analogizes:

*Similarly, every discerning person must know that a person does not find a beautiful wife or wealth because of his wisdom and intelligence—only as Hashem apportions to him. . . . And for this reason a discerning person will not desire or covet . . . because he will recognize that he cannot acquire with his strength, thoughts and strategies that which Hashem does not want to give him*⁵⁵

Ibn Ezra explains that coveting is precluded by one's belief in Divine providence. Man is helpless—all illusions of self-sufficiency and potency notwithstanding—to attain that which Hashem does not will him to have. But this represents a carefully thought out rational reaction. How does this prevent the immediate, instinctive reaction of coveting?

Clearly, according to Ibn Ezra, the Torah believes that we are capable of *internalizing* belief in Divine providence to such an extent that this belief will condition our seemingly involuntary instinctive reactions. In one sense, instinctive reactions are involuntary. We do not always decide to feel or think a certain way. We just do. However, we can control the forming of instincts. For instance: Ibn Ezra's example where internalizing belief in Divine providence conditions our “involuntary” instinctive reactions. This is the point that the Rav made in his depiction of free will.

Free will does not have to interfere every time a man stands before some sort

*of decision Free will, if a person knows how to exercise it appropriately can mold the form in which he will instinctively react when he arrives at a moment of trial or test. With the force of free will, man is primed to shape the religious dynamic that operates within him; his reactions become natural, a part of his spiritual mechanism*⁵⁶

The *Sefer Hachinuch*, a classic fourteenth-century compilation of the six-hundred-and-thirteen *mitzvot*, also assumes that internalizing belief in Divine providence can and must condition our actions and even reactions. The *Sefer Hachinuch* explains that the Torah prohibits taking revenge not for ethical or moral reasons but for theological reasons. It is theologically wrong and therefore pernicious to seek revenge because man only suffers if Hashem decrees so. One's fellow man is never the ultimate cause of one's own suffering, and thus the desire for revenge is nonsensical. Again the Torah expects us to refrain not only from premeditated revenge but also instinctive revenge. Notice *Sefer Hachinuch's* emphasis on internalization, which conditions even instinctive reactions.

*The reason for the mitzvah: that a person should know and internalize [yetaim el lebo] that whatever happens to him, good or bad, is caused by Hashem Therefore when someone causes him distress or pain . . . he should not set his thoughts to take revenge because he is not the cause of his bad plight*⁵⁷

There is, as evidenced above, precedent in Jewish thought for the Rav's fundamental idea of forming instincts and thereby controlling even instinctive behavior. Nevertheless these precedents do not eclipse the Rav's originality. We might say of the Rav regarding free will what he said of Maimonides regarding prayer: he redeemed the idea.⁵⁸ Ibn Ezra and *Sefer Hachinuch* clearly assume that man possesses the capacity to curb innate instincts and even forge new ones but it is a latent assumption and applied in a narrow context. The Rav brought this idea to the surface, established it as the formative principle of the human personality

and emphasized its revolutionary effect in all realms of human behavior. The Rav restored the idea of absolute free will, which can even transform impulses and instincts, to its central position and established it as a pillar in the edifice of halachic philosophy.

We might say of the Rav regarding free will what he said of Maimonides regarding prayer: he redeemed the idea.

God-Man Relationship

“Problems of freedom, causality, God-man relationship, creation, and nihility would be illuminated by halakhic principles.”⁵⁹

In this sentence in *Halakhic Mind*, the Rav adds another element to his charter for the philosophy of *halachah*; viz., halachic principles can illuminate the God-man relationship. A search of the Rav's other writings will elaborate this cryptic, programmatic statement.

Halachah singles out “seven names [of Hashem], which are prohibited to be erased.”⁶⁰ According to Maimonides, Elokim and Elokei are enumerated separately.⁶¹ At first glance, this is incomprehensible because they do not appear to be two different names but rather different grammatical forms of the same name. Elokei is simply in the construct state, denoting Elokim (God) of, as in the phrase Elokei

Yisrael (God of Israel).

The Rav offers an enthralling explanation.⁶² Employing a name of Hashem in the construct state is, from a grammatical perspective, quite routine, but from a philosophical perspective, absolutely revolutionary. The construct state expresses a sense of belonging, of ownership. For instance, the phrase *nichsei haish* (the assets of the man), which is in the construct state, expresses the man's ownership of the assets. Is it not then impossible to place a name of Hashem in the construct state? Hashem exists absolutely independently and is entirely self-sufficient. How can one speak of Elokei? And, the Rav notes quoting Ibn Ezra, there is no construct state of the Tetragrammaton for precisely this reason. And yet Hashem's covenant with Avraham Avinu establishes this revolutionary notion. “I will uphold My covenant between Me and you and your offspring after you, throughout their generations, as an everlasting covenant, to be a God to you and to your offspring after you.”⁶³ There exists reciprocity between Hashem and the Jewish people. Just as we belong to Him, in His interaction with the world, He belongs to us!

Accordingly, the Rav explains, Elokei is not simply a grammatical variant of Elokim; it is an independent name. Each name expresses an actional attribute of Hashem that we perceive. And thus Elokei certainly constitutes a separate name because it expresses the revolutionary philosophical-religious idea of reciprocity, which is not expressed by Elokim.

Certainly this is one instance of halachic principles illuminating the God-man relationship. It is worth noting that the Rav offered the above analysis in the halachic component of one of his celebrated *yahrtzeit shiurim*. This fact reiterates our earlier definition of philosophy of *halachah* and its methodology.

Fortunately, the Rav's writings yield a second, closely related element of the God-man relationship within halachic philosophy.⁶⁴ One of the most fundamental Torah concepts is that the Jewish people are Hashem's chosen

nation. This axiomatic halachic concept, the Rav explains, is predicated upon Hashem's love of the Jewish people. In a similar vein, this love is the dominant theme of the two blessings that we recite, morning and night, before the Shema. These blessings begin with the following phrases: “With an abundant love have you loved us Hashem” and “With an eternal love have You loved the House of Israel.”

Thus, the Rav supplies another fundamental element of the halachic world view. The God-man relationship is reciprocal; the love is mutual.

In conclusion, it should be noted that we have collected mere fragments of the philosophy of *halachah*. Indeed, the Rav's writings yield several additional elements of *halachah's* philosophical system, but space constraints do not allow them to be included in the present forum. But even after that lacuna is filled, it will still be appropriate to paraphrase the *Kohen Gadol* (high priest): there is much more in the unwritten book of the philosophy of *halachah* than I have presented to you. As for the rest—*Hu yiftach lebeinu beTorato* (May He open our hearts through His Torah).^{IA}

*This article was greatly enhanced by my mother's editorial suggestions.

Notes

1. See, for instance, *Out of the Whirlwind*, 9-10. “I would like to try in this presentation to interpret the halakhic terms and concepts that relate to mourning in philosophical . . . categories One cannot get a religious experience—that is, a Jewish religious experience—without utilizing the materials of Halakhah. There can be no philosophy of science or nature unless one is an expert in the field of physics, chemistry and biology. . . . So, too, it is impossible for one to philosophize about Judaism and speak about its experiential universe without having the Halakhah at his fingertips.” And, *ibid.*, 114 “What I have developed is more a philosophy of the Halakhah.”

2. Much of the material in our reconstruction endeavor is culled from *Halakhic Man*. While the book provides significant

material for a volume on the philosophy of *halachah*, it was not intended to be, and is not, that volume. Instead *Halakhic Man* portrays the spiritual world of a halachic man, which while obviously overlapping with the philosophy of *halachah*, is by no means identical.

3. *Halakhic Mind*, 3.

4. "UVikkashtem MiSham," reprinted in *Ish HaHalakhah Galuy veNistar* (Jerusalem, 1979), 142.

5. The rich, suggestive phraseology in this sentence, as well as the phrase "intellectual capital" used previously, are taken from my father's incisive article "The Rav," reprinted in Menachem Genack ed., *Rabbi Joseph B. Soloveitchik: Man of Halacha, Man of Faith* (New Jersey, 1998).

6. *Ibid.*, 29.

7. 85.

8. 141-3.

9. Reprinted in *Besod Hayachid Vehayachad* (Jerusalem, 1976), 222.

10. In conversation, my father once described "UVikkashtem MiSham" as an outstanding work of "old-fashioned pietism," which draws upon vast modern erudition with remarkable creativity and versatility. He intended "old-fashioned" as a laudatory term, in the sense of being wholly steeped in tradition. My father indicated that oftentimes people who were overwhelmed by the Rav's vast erudition drew erroneous conclusions regarding his engagement of modernity by failing to appreciate the traditional character of his thought.

11. 46-47, 101.

12. Actually, in *Halakhic Mind*, "philosophy of Halakhah" denotes a halachic philosophy of religious experience. The Rav, in speaking of the philosophy of *halachah*, is not referring to abstract philosophical or theological concepts but exclusively to philosophical or theological concepts that are experienced by halachic man.

13. The Rav, in "Reflections on the Amidah," *Worship of the Heart*, 44 ff, metaphorically and suggestively applies the category of redemption to the world of ideas. The evocative imagery of redeeming an idea indicates that hitherto the idea was underappreciated. The idea was on people's radar screens, but inconspicuously so. To restore the idea to its rightful place is to redeem it from undue obscurity.

14. See the section on free will and the source cited in note 49.

15. An isolated instance of the philosophy of *halachah* in Maimonides' *Guide for the Perplexed* possibly occurs in part 1, ch. 59. Maimonides, having developed his doctrine of negative attributes, also reconstructs this doctrine from the *halachah* featured in *Berachot* 33b, which states that we are not allowed to add to the three epithets of *gadol*, *gibbor* and *norah* (great, valiant and awesome) in the opening blessing of our *tefillah*. The Talmud reasons that we are restricted from declaring the praise of Hashem. We only have dispensation for these three epithets because they appear in the Torah and because the Men of the Great Assembly instituted that they be included in *tefillah*.

First of all, this is an isolated instance. It is not representative of Maimonides' philosophical system as a whole. Second of all, even this example does not contribute to a philosophy of *halachah* that elucidates religious experience, which is the central focus of *Halakhic Mind*.

16. Vide *Talmud Bavli*, *Chulin* 7a.

17. *Halakhic Mind*, 71.

18. *Ibid.*, 91.

19. *Worship of the Heart*, 16.

20. *Ibid.*, 16-17.

21. *Halakhic Mind*, 75ff.

22. "Ma Dodech Midod," in *Besod Hayachid Vehayachad*, 227-228.

23. This remarkable congruence deserves further comment than is possible in the present forum.

24. *Halakhic Mind*, 86-87. See also *Whirlwind*, 44, "In a word, I am asking not 'why *parah adumah*?' but 'what is *parah adumah*?' (The distinction between 'why' and 'what?' was introduced by Nachmanides in his commentary to Deut. 22:6.)"

25. *Halakhic Mind*, 98.

26. *Ibid.*, 87.

27. *Ibid.*, 98.

28. Isaac Newton, quoted in Paul Davies, *About Time: Einstein's Unfinished Revolution* (New York, 1996), 31.

29. Davies, *ibid.*, 17.

30. Rav Joseph B. Soloveitchik, "Kodesh and Chol," *Gesher* 3, no. 1 (1966): 14.

31. *Ibid.*

32. *Halakhic Mind*, 47.

33. *Ibid.*

34. *Ibid.*

35. *Talmud Bavli*, *Yoma* 86b. As indicated ad loc. and discussed below, this statement refers to *teshuvah me'ahavah*.

36. *Halakhic Man*, 113-114.

37. *Ibid.*, 118.

38. *Ibid.*, 120.

39. *Ibid.*, 118-119.

40. *Bereishit Rabba* 1,1.

41. All the quotations in this paragraph are from "That Mysterious Flow," *Scientific American* (September 2002). I am indebted to Dr. Michael Kramer, *shlita*, for bringing this article to my attention.

42. Remarkably, some physicists believe in the possibility of traveling backwards in time. See, for example, Igor Novikov, *The River of Time* (London, 1998).

43. *Halakhic Man*, 114.

44. *Halakhic Mind*, 50.

45. *Halakhic Man*, 114-5.

46. *Hilchot Teshuvah* 5: 3-4.

47. Pinchas Peli ed., *Al Hateshuvah: Devarim Shebeal Peh* (Jerusalem, 1975), 191 ff.

48. *Halachot* 1, 3, 7.

49. *Talmud Bavli Yoma* 86a.

50. *Al Hateshuvah*, 241-2.

51. *Whirlwind*, 10, 3.

52. 116-7.

53. *Whirlwind*, 11.

54. Commentary to Shemot, 20:14. It is curious that Ibn Ezra comments in Shemot and not in Devarim. According to our sages, there is a difference between "*lo tachmod*" in Shemot and "*lo titaveb*" in Devarim. The former prohibition is only violated if one seeks to obtain the object that he covets whereas the latter applies even if he takes no action whatsoever. Thus, Ibn Ezra's comments seem to relate to "*lo titaveb*." The Rav cites this passage from Ibn Ezra in *Whirlwind*, 11.

55. Commentary to Shemot, 20:14.

56. *Al Hateshuvah*, 242.

57. *Mitzvah* 241.

58. See n. 12.

59. *Halakhic Mind*, 101.

60. Rambam, *Yesodei HaTorah* 6:1. See *Avodat Hamelech* ad loc.

61. *Ibid.*

62. *Shiurim Lezecher Aba Mori*, vol. 2, pp. 174-175. See also "UVikkashtem MiSham," 183.

63. *Bereishit* 17:7.

64. "UVikkashtem MiSham," 121-4, n. 2.