

Pathways to Their Hearts
Torah Perspectives on the Individual





Rabbi Nachum L. Rabinovitch

PATHWAYS TO
THEIR HEARTS
TORAH PERSPECTIVES
ON THE INDIVIDUAL

Translated by Elli Fischer

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In memory of our beloved Sabba,

Ha'Rav Nachum Eliezer Rabinovitch zt"l

הרב נחום אליעזר רבינוביץ זצ"ל

*Spiritual giant, outstanding scholar, leader, and teacher
to so many across the globe, as well as being our caring,
loving, and devoted grandfather and great-grandfather.*

*Always ready to listen,
ever kind and sensitive.*

Deeply loved and missed by us all,

הנכדים והנינים, האוהבים ומתגעגעים



Dedicated in memory of our dear parents

ישראל בן יוסף יהודה אריה ז"ל
מאשה בת חיים הכהן ז"ל
דוד מאיר בן משה ז"ל

*who, whilst facing considerable challenges,
embodied heartfelt and unwavering dedication to values
of Torah and hesed with humility, sensitivity, and kindness.*

*May the Truth of Torah continue to spring
forth from their rich legacy.*

*Chaim and Renee Fromowitz
and family*



In memory of

*Ha Rav Hagon HaGadol
Rav Nachum Eliezer Rabinovitch*

In honor of

Annette Basri



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Foreword

Rabbi Jonathan Sacks¹

Rabbi Nachum Eliezer Rabinovitch (1928–2020), henceforth “the Rav,” was one of the supreme rabbinic scholars of our time, outstanding in a wide range of different fields. As a *posek*, a decisor in Jewish law, he distinguished himself already at a young age, writing the halakha column of *Hadarom*, the journal of the Rabbinical Council of America. In Israel, as dean of the Birkat Moshe Yeshiva in Maaleh Adumim, his true stature as expert in Jewish law was widely recognised within the religious Zionist community, and he wrote many responsa, published in two collections, *Melumdei Milḥama* and *Siah Naḥum*, marked by their clarity, authority, and courage. The philosophy of his approach to halakha is set out in chapter 6 of the present work.

As a talmudic scholar his erudition was vast, as was his ability to find new depth and beauty in ancient texts. His first book, *Hadar Itamar*, consisted of a series of studies linking the end of one talmudic tractate to the beginning of the next. It is a work of dazzling brilliance, covering the whole of the Babylonian Talmud.

As a philosophical *darshan*, an exegete able to draw deep inferences about the human condition from biblical and rabbinic texts, he was one of the finest in our time, to be ranked alongside Rabbi Joseph

1. Ed. note: Rabbi Sacks penned this eulogy shortly after the passing of his teacher Rabbi Rabinovitch in May 2020. Sadly, Rabbi Sacks was taken from us only a few months later.

Soloveitchik, as the present volume testifies. To be sure, their methods were different. Rabbi Soloveitchik drew on modern philosophy and phenomenology; Rabbi Rabinovitch was rooted in a Maimonidean worldview, which he was able to present compellingly in the language of our time. Both regarded halakha, Jewish law, not just as a legal system but as the embodiment of a philosophy, yet with this difference: Rabbi Soloveitchik, especially in his works *Halakhic Man* and *The Halakhic Mind*, tended to think of Jewish law as a theoretical system, a way of thinking and feeling. Rabbi Rabinovitch saw it as practical, normative, a self- and society-creating way of acting, based on a philosophy of the human person and of politics and sociology. His theology was at times very dramatic, as I will shortly show.

As a secular scholar, Rabbi Rabinovitch had been a lecturer in mathematics at several universities in North America, culminating in a position at the University of Toronto. He was particularly interested in probability and statistical inference and its history generally and within Judaism. His work in this field earned him a doctorate and was eventually published as a book in its own right. He was, in addition, well versed in all the natural sciences and had a strong sense of history. His account of scientific method and its kinship with certain aspects of Jewish thought is set out in chapter 7 of this work, while chapter 8 deals with the relationship between religion and science.

His supreme achievement, though, was as a commentator of Maimonides. He spent almost fifty years writing *Yad Peshuta*, his multi-volume commentary to the *Mishneh Torah*, Maimonides' law code. This is one of the most extensive modern commentaries to this classic work. The title, *Yad Peshuta*, has an elegant double meaning. On the one hand it means "the *Mishneh Torah* (known as the *Yad* because the word has the numerical value of fourteen, the number of subdivisions of the code) made simple." On the other it refers to God's "hand extended [to receive penitents]." Hence its double purpose: to penetrate to the plain sense of Maimonides' text and to emphasise, as Maimonides himself did, that the main purpose of Jewish law was to create individuals and a society dedicated to the cause of justice and compassion, kindness and peace.

Yad Peshuta is already on its way to becoming a standard work that will endure through the generations, distinguished by vast erudition,

lightly worn, and by its lucidity and clarity. The Rav would never favour an ingenious interpretation if the key to understanding was to establish the correct text from a more reliable manuscript than was available to those who produced the traditional printed editions. Its most important distinguishing feature, though, is its insistence on interpreting Maimonides *through* Maimonides – through what he wrote elsewhere, in the *Guide for the Perplexed*, perhaps, or in a responsum, or by way of a comment by his son, Rabbi Avraham, or even by figures like Gersonides, who lived after Maimonides but were peculiarly well attuned to his thought.

Maimonides had availed himself of all the literature available to him at the time, and attempted in his law code to distil every halakha contained in both the Babylonian and Jerusalem Talmuds, as well as the halakhic midrashim *Mekhilta*, *Sifra*, and *Sifrei*. The Rav, who knew the entire rabbinic literature as well as the scientific and philosophical worlds of the Middle Ages, sought above all to put himself in the position of Maimonides, to read texts as he would have read them and make the conceptual connections he would have made. That gives the *Yad Peshuta* its simplicity and depth. There was humility in this approach. The Rav sought to efface himself in the presence of Maimonides. Never did he seek to be clever or to focus attention on his own virtuosity. If any of his students attempted to do so, he would say, “Cute.” This was not a compliment. True scholarship for him meant labouring to be open to the truth, not imposing your own views on the material in front of you. That unshakable integrity was a hallmark of everything he did, said, and wrote. That is what will make his scholarship stand the test of time.

* * *

Nachum Eliezer Rabinovitch was born in Montréal, Canada, in 1928. At the age of fourteen, he began studying Talmud with Rabbi Pinhas Hirschsprung, by whom he was ordained as a rabbi. In 1948 he enrolled in Ner Israel Yeshiva in Baltimore, where he studied with and obtained rabbinic ordination from Rabbi Yaakov Yitzchok Ruderman. He also studied mathematics at Johns Hopkins University, where he obtained a master’s degree, later completing a doctorate at the University of Toronto.

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From 1952 to 1954 he was rabbi of the Orthodox Jewish community in Dallas, Texas, and from 1955 to 1963 he was rabbi of the Orthodox Jewish community in Charleston, South Carolina. He described his time there in the preface to his book *Hadar Itamar*. Though he enjoyed serving the community, he found it less than challenging in its level of Torah scholarship. Toward the end of this period he was offered the position of chief rabbi of Johannesburg as successor to Rabbi Dr. Louis Rabinowitz. He declined, on the grounds that he could not in good conscience live in an apartheid state.

In 1963 he accepted the role of rabbi of the Clanton Park Synagogue in Toronto, as well as teaching at the University of Toronto. In 1971 he came to London to take up the role of principal of Jews' College, Anglo Jewry's rabbinic training centre. His twelve years serving Anglo Jewry were not entirely happy ones. The college had few students, its finances were in poor shape, and the type of Torah scholarship he represented was not, at that time, widely appreciated or even rightfully understood. Prior to taking up the appointment, he had been assured that a yeshiva high school would be created, to act as a feeder for the college. That never materialised. His students during those years were, nonetheless, aware of his greatness, as were a select number of laypeople. He left a lasting mark on those who studied with him.

He had always wanted to live in Israel, and when the opportunity to do so presented itself, he accepted with alacrity. In 1983 he became the head of the hesder yeshiva Birkat Moshe in Maaleh Adumim, founded six years earlier by Rabbis Haim Sabato and Yitzchak Sheilat. It is said that Rabbi Sabato, after hearing Rabbi Rabinovitch for the first time, immediately offered him the position. It was there that he found happiness and fulfilment, taking enormous pride in his thousands of students, both for their intellectual and spiritual achievements and for their courage while serving in the Israel Defense Forces.

* * *

I became the Rav's student in 1973, when I joined Jews' College. By the time I came to study with him I had already studied at Cambridge and Oxford with some of the greatest philosophers of the age. My tutors had

included (Sir) Roger Scruton, (Sir) Bernard Williams, and Philippa Foot. Yet in depth and rigor, in knowledge of the many branches of wisdom, in clarity and integrity, he excelled them all. I never met anyone quite like him, not then and not since.

Only when I became his student did I learn the true meaning of intellectual discipline, *shetihyu amelim baTorah*, “laboring in the Torah.” To survive his scrutiny, you had to do three things: first, to read everything ever written on the subject; second, to analyze it with complete lucidity, searching for *omek hapeshat*, the deep plain sense; and third, to think independently and critically. I remember writing an essay for him in which I quoted one of the most famous of nineteenth-century talmudic scholars. He read what I had written, then turned to me and said, “But you didn’t criticise what he wrote!” He thought that in this case the scholar had not given the correct interpretation, and I should have seen and said this. For him, intellectual honesty and independence of mind were inseparable from the quest for truth, which is what *talmud Torah* must always be.

He and the late Rabbi Aharon Lichtenstein *zt”l* were the *gedolei hador*, the Modern Orthodox/religious Zionist leaders and role models of their generation. They were very different – one scientific, the other artistic, one direct, the other oblique, one bold, the other cautious – but they were giants, intellectually, morally, and spiritually. Happy the generation that is blessed with people like these.

Having Rabbi Rabinovitch as a teacher was a life-changing experience. In my own case, for example, he knew that I had to learn fast because I was coming to the rabbinate late, after a career in academic philosophy. What he did was very bold. He explained to me that the fastest and best way of learning anything is to teach it. So the day I entered Jews’ College as a student, I also entered it as a lecturer. How many people would have had that idea and taken that risk?

He also understood how lonely it could be if you lived by the principles of intellectual integrity and independence. Early on, he said to me, “Don’t be surprised if only six people in the world understand what you are trying to do.” When I asked him whether I should accept the position of chief rabbi, he said, in his laconic way: “Why not? After all, maybe you can teach some Torah.” Honor, position, title meant nothing to him. What mattered were learning and teaching, pursuing truth and living it.

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He once told me how, having been offered the job of chief rabbi of Johannesburg and turning it down because he refused to live in an apartheid state, he was visited in Toronto by the rabbi who had held the Johannesburg position until then. Looking at the Rav's modest home and recalling his more palatial accommodation in South Africa, he said, "You turned down *that for this?*" The Rav would never compromise his integrity and never cared for material things.

* * *

Perhaps the most direct way into the thought of the Rav is through three expositions I heard from him in the years he was in Britain, which had a profound effect on me, shaping my entire understanding of Torah. The first was about Noah.

The Rav pointed out how the tempo and pace of the biblical narrative changes. The story of the Flood begins rapidly. God announces the imminent destruction of life on earth. He orders Noah to build an ark, specifying its precise measurements. Details follow as to what he must bring with him – his family, two (or in the case of pure animals, seven) of all the species of life, and provisions. The rain comes; the earth is flooded; Noah and those with him are the sole survivors. The rain ceases and the water abates.

We expect to read next that Noah emerges from the ark. Instead the narrative slows down, and for fourteen verses almost nothing happens. The water recedes. The ark comes to rest. Noah opens a window and sends out a raven. Then he sends out a dove. He waits seven days and sends it out again. It returns with an olive leaf. Another seven days pass. He sends the dove a third time. This time it does not return, but Noah still does not step out onto dry land. Eventually God Himself says, "Come out of the ark" (Gen. 8:16). Only then does Noah do so.

The Rav then cited this extraordinary midrash:

Once the waters had receded, Noah should have left the ark. However, Noah said, "I entered by divine permission, as it is said, 'Go into the ark' (Gen. 7:1). Shall I now leave without permission?" The Holy One, blessed be He, said to him, "You want

permission? Here: you have permission!” as it is said, “Come out of the ark”... Said R. Yehuda bar Ilai, “Had I been there, I would have broken down the ark and taken myself out from there.”²

The Rav explained that this was the difference between Noah and Abraham. Abraham fought a war to rescue his nephew; he prayed for the people of the plain even though he knew they were wicked; he challenged Heaven itself in words unrivalled in the history of the human encounter with God: “Shall the judge of all the earth not do justice?” The Rav quoted the well-known midrashic comment of R. Yehuda:

“Noah walked with God” (Gen. 6:9)... R. Yehuda said, this may be compared to a king who had two sons, one grown up and the other a child. To the child he said, “Walk *with* me,” but to the adult he said, “Go and walk *before* me.” Thus, to Abraham, whose [moral] strength was great, [God] said, “Walk *before* Me and be perfect” (Gen. 17:1). But of Noah, whose strength was feeble, it says, “Noah walked *with* God.”³

So, the first thing I learned from the Rav was that it takes courage to rebuild a shattered world. The person of faith does not always have the luxury of waiting for divine permission. Faith is the courage to take risks, to walk on ahead. Faith is not certainty; it is the courage to live with uncertainty.

* * *

A second exposition related to the plea of Moshe Rabbenu after the sin of the Golden Calf: “He said, ‘If I have gained Your favor, O Lord, pray, let the Lord go in our midst, *because* this is a stiff-necked people. Pardon our iniquity and our sin and take us for Your own’” (Ex. 34:9). The difficulty is obvious. How could Moses ask God to forgive the people

2. *Tanḥuma* (Buber), *Noah* 13–14.

3. Genesis Rabba 30:10.

because it was stiff-necked? He should have said: *even though or despite the fact that* they are stiff-necked.

The Rav's answer was remarkable. What Moses was saying, he said, was this: "Sovereign of the Universe, look upon this people with favour, because *what is now their greatest vice will one day be their most heroic virtue*."

"They are indeed an obstinate people. When they have everything to thank You for, they complain. Mere weeks after hearing Your voice they make a golden calf. But *just as now they are stiff-necked in their disobedience, so one day they will be equally stiff-necked in their loyalty*. Nations will call on them to assimilate, but they will refuse. Mightier religions will urge them to convert, but they will resist. They will suffer humiliation, persecution, even torture and death because of the name they bear and the faith they profess, but they will stay true to the covenant their ancestors made with You. They will go to their deaths saying, *Ani maa-min*, 'I believe.' This is a people awesome in its obstinacy – and though now it is their failing, there will be times far into the future when it will be their noblest strength.

"Forgive them *because* they are a stiff-necked people," said Moses, because the time will come when that stubbornness will be not a tragic failing but a heroic and defiant loyalty. And so, historically, it came to be.

From this I learned a second fundamental of faith: the importance of defending the Jewish people (*melammed zekhut al Yisrael*). The Rav himself had clearly learned this from Maimonides' *Epistle on Martyrdom (Iggeret HaShemad)*, one of the greatest examples of this in the whole of rabbinic literature. More than once he quoted to me the powerful passage in Pesahim:

The Holy One, blessed be He, said to [the prophet] Hosea: "Your children [the Jewish people] have sinned." Hosea should have replied: "But they are Your children; they are the children of Your beloved ones, the children of Abraham, Isaac, and Jacob. Extend Your mercy over them." Not only did he fail to say that, but instead he said before Him: "Master of the Universe, the entire world is Yours; [since Israel has sinned,] exchange them for another nation."

The Holy One, blessed be He, said: “What shall I do with this old man [who fails to defend Israel]? I will say to him: Go and take a prostitute and bear for yourself children of prostitution. And after that I will say to him: Send her away from you. If he is able to send her away, I will also send away the Jewish people.”⁴

It may be the task of the prophet to remonstrate with his generation, but when he speaks to Heaven, he must act as counsel for the defence. Reading this book, or indeed any of the Rav’s writings, you will see how deeply he internalized this idea. Rarely did he criticise people directly, even though he may passionately have disagreed with what they did or said. Nor was this because he was in any way hesitant about his beliefs or their justification; quite the contrary: he was bold, clear, and courageous. But he was reluctant to condemn. He relied on the force of argument and truth to win the case, and he never, to my knowledge, engaged in *ad hominem* attacks.

No less striking was the Rav’s quotation from *Sifrei*, which plays a notable part in the present book: “‘A faithful God’ (Deut. 32:4) – this means that God had faith in the world and thus created it.”⁵ To create you must have faith in what you are about to create. Likewise, to lead, you must have faith in the people you lead:

Resh Lakish said: One who suspects the innocent will be afflicted in his body, as it is written: “And Moses answered and said: But they will not believe me and will not hearken to my voice, for they will say, God did not appear to you” (Ex. 4:1). But it was revealed before the Holy One, blessed be He, that the Jewish people would believe. Thus He said to Moses: “They are believers, the children of believers; but ultimately, you will not believe.”⁶

Moses was punished, not because he lacked faith in God but because he lacked faith in the people. This was an essential lesson in rabbinic

4. Pesahim 87a.

5. *Sifrei Devarim* 307, s.v. *HaTzur*.

6. Shabbat 97a.

leadership I learned from the Rav. A rabbi needs faith, not just in God but also in the people of God. The Rav had that faith, and it is reflected in his approach to halakha, his approach to Jewish thought, the way he expressed himself when he spoke and wrote, and the way he related to his students and to all who came to him for advice.

* * *

The third and most radical interpretation I heard from the Rav (it figures in the present volume, in chapter 10) was about the verse in which Moses first encountered God at the burning bush. “Moses hid his face because he was afraid to look at God” (Ex. 3:6). Why was he afraid? Because if he were fully to understand God he would have no choice but to be reconciled to the slavery and oppression of the world.

To be a parent is to be moved by the cry of a child. But if the child is ill and needs medicine, we administer it, making ourselves temporarily deaf to its cry. A surgeon, to do his job competently and well, must to a certain extent desensitize himself to the patient’s fears and pains and regard him, however briefly, as a body rather than as a person. A statesman, to do his best for the country, must weigh long-term consequences and make tough, even brutal decisions: for soldiers to die in war if war is necessary, for people to be thrown out of jobs if economic stringency is needed.

Parents, surgeons, and politicians have human feelings, but the very roles they occupy mean that at times they must override them if they are to do the best for those for whom they are responsible. To do the best for others needs a measure of detachment, a silencing of sympathy, an anaesthetizing of compassion, for the road to happiness or health or peace sometimes runs through the landscape of pain and suffering and death.

If we were able to see how evil today leads to good tomorrow – if we were able to see from the point of view of God, Creator of all – we would understand justice but *at the cost of ceasing to be human*. We would accept all, vindicate all, and become deaf to the cries of those in pain. God does not want us to cease to be human, for if He did, He would not have created us. We are not God. We will never see things

from His perspective. The attempt to do so is an abdication of the human situation.

From the vantage point of eternity, Moses would have seen that the bad is a necessary stage on the journey to the good. He would understand God but he would have ceased to be Moses, the fighter against injustice who intervened whenever he saw wrong being done. “He was afraid” that seeing heaven would desensitize him to earth, that coming close to infinity would mean losing his humanity.

A Holocaust historian was once interviewing a survivor of the extermination camps. He was a hasidic rebbe, a religious leader. Astonishingly, he seemed to have passed through the valley of the shadow of death, his faith intact. He could still smile. “Seeing what you saw, did you have no questions about God?” she asked. “Yes,” he said, “of course I had questions. So powerful were those questions, I had no doubt that were I to ask them, God would personally invite me to heaven to tell me the answers. And I prefer to be down here on earth with the questions than up in heaven with the answers.”

There is divine justice, and sometimes, looking back at the past from a distance in time, we can see it. But we do not live by looking back at the past. There is divine justice, but God wants us to strive for *human* justice – in the short term, not just the long term; in this world, not the next; from the perspective of time and space, not infinity and eternity.

God creates divine justice, but only we can create human justice, acting on behalf of God but never aspiring to be other than human. That is why He created us. Creation is empowerment. That is the radical proposition at the heart of Judaism as Rabbi Rabinovitch understands it. The Torah is God’s call to human responsibility.

* * *

The Rav’s approach to halakha was part of his total vision of Judaism as understood by Maimonides and by the *poskim* that he admired, figures like Rabbi Yehiel Weinberg (*Seridei Esh*) and Rabbi David Zvi Hoffmann (*Melammed Leho’il*). He believed that the *posek* should have absolute command of the literature, a clear grasp of the underlying logic of the matter at hand, independence of mind, and a deep understanding of the

time and circumstance in which the question has been asked. I never heard him refer to the concept of meta-halakhic propositions, but he believed in them profoundly – in those broad statements of value through which the Sages of the Mishna and Talmud expressed their most basic moral commitments.

One example illustrates his approach. I was visiting him just after our first daughter had been born. I told him that I had made the blessing of *Sheheḥeyanu*, in accordance with the ruling of the *Mishna Berura*,⁷ but that I found both the ruling and the logic behind it to be unconvincing. The Talmud rules: “If his wife gave birth to a son, he makes the blessing ‘Who is good and does good.’”⁸ The Talmud makes no mention of the blessing to be said if one’s wife gave birth to a daughter, and surprisingly, the early authorities do not address this question. The *Mishna Berura* does, but says that one makes the lesser blessing, *Sheheḥeyanu*, “Who has kept us alive.”

“What made you think it was correct?” he asked, and without pausing, said the following: The Rambam includes in the *Mishneh Torah* every halakha in the Bavli, Yerushalmi, and the halakhic midrashim. Yet the Rambam does not codify the law “If his wife gave birth to a son,” even though it is stated explicitly in the Talmud. Instead, the Rambam merely codifies the general rule: “In short, one who shares a benefit with others says the blessing ‘Who is good and does good.’ When he is the sole beneficiary, he recites the blessing ‘Who has kept us alive.’”⁹

What, he asked, is the logic behind the absence of this halakha from the Rambam? The reason is that the talmudic passage can be understood in one of two ways: Either (1) there is a specific rule that you make the blessing “Who is good and does good” on the birth of a son, or (2) the Talmud is merely bringing it as an uncontroversial *example* of something that is good for you and for others. A benefit shared with others demands the blessing “Who is good and does good,” and the birth of a son is merely cited as an instance, not because it is a son but because there is general celebration.

7. To *Shulḥan Arukh*, *Orah Ḥayim* 223:1.

8. *Berakhot* 59b.

9. *Mishneh Torah*, *Hilkhot Berakhot* 10:7.

Not everyone in those days, said the Rav, agreed that having a girl was a blessing: “And Abraham was old, well stricken in age; and the Lord had blessed Abraham with everything (*bakkol*)” (Gen. 24:1) – R. Meir says: The blessing was that he did not have a daughter. R. Yehuda says: The blessing was that he did have a daughter.”¹⁰ Consequently, the Talmud cites the example of the birth of a son, but the same would apply in the case of the birth of a daughter, if both parents celebrated the birth.

The fact that the Rambam cited only the general rule, not the specific example of a son, shows that he followed the second interpretation of the passage.¹¹ Therefore, said the Rav, if you and your wife both wanted a daughter, you should make the blessing “Who is good and does good,” which we did when our second daughter was born. It was rulings like these – clear, compelling, courageous – that marked Rabbi Rabinovitch as a *posek* of towering stature, as is clear from his two published volumes of responsa.

Note the combination of factors here: first, his sharp attention to the apparently missing text in the Rambam; second, his understanding of why this was so and its halakhic implications; third, his sensitivity to time and circumstance and the difference they made given the view of the Rambam; and fourth, the meta-halakhic proposition “in order to give pleasantness of spirit to women,”¹² which he saw as one of the shaping principles of the Sages and which he makes clear in chapter 19 of this book.

* * *

And so to the book itself, the Hebrew edition of which he gave the title *Mesilot Bilvavam*, a phrase from Psalms 84:6: “Happy are those whose strength is in You, in whose heart are [Your] ways.” Judaism is not just a matter of deed. It is also a process of creating “ways in the heart,” habits

10. Bava Batra 141a.

11. The argument is set out in *Yad Peshuta* on *Hilkhot Berakhot* 10:7 and appears in the penultimate chapter of this book.

12. Hagiga 16b.

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of intellect and emotion that constitute Judaism's unique religious sensibility. Only thus can we fully help to realise its ultimate goals of loving-kindness, equity, justice, peace, and the manifestation of the Divine that occurs when we make, on earth, a home for the holiness of heaven.

The work is a synthesis of the philosophical positions the Rav had developed over the course of many decades, beginning with his earliest days in the rabbinate. These had been honed and refined over the years but had existed as a series of articles on discrete themes. It was evident that these were the building blocks of a vast overarching structure covering the whole of Judaism, individual and community, ethics and politics, a theological understanding of the Holocaust, and the religious significance of a reborn State of Israel and many other matters besides. Some of these ideas found expression in an extended essay entitled *Darkah shel Torah*, "The Way of the Torah," which was eventually enlarged into a book of the same title. This too, however, was an incomplete expression of the range and scope of the Rav's thought. Hence, *Mesilot Bilvavam*, a work that finally does justice to one of the boldest and most profound religious thinkers of our time.

The current volume, *Pathways to Their Hearts*, is about the individual. There are chapters here on free will and the human condition, the way the Torah's commands interact with moral change, the tension between law and the purposes of law, the difference between religious and secular ethics, the importance of intellectual independence, and the nature of halachic decision making. There is a fascinating comparison between scientific method and the search for the reasons for the commandments, and a powerful chapter on the relationship between Torah and science. There is no opposition between them, argues the Rav, and the belief that there is was imported into Judaism from non-Jewish sources. The conviction, sadly still widespread, that Torah and science are incompatible, has had devastating consequences: "We lost many of our best sons, who never discovered that Judaism never opposed the search for truth and that, on the contrary, disclosing the mysteries of creation leads only to the recognition of God's greatness." Throughout these chapters there is an insistence on choice, personal responsibility, intellectual integrity, and the need for each of us to engage in our own pursuit of truth.

The continuation volume, *Pathways to God*, is about society. It begins with a powerful theological response to the Holocaust, and then turns to a sweeping exploration of the religious significance of the State of Israel, of the role of religion within the state, and of the place of democracy within a Jewish understanding of society. There are strong statements on the importance of collective responsibility, engagement with the wider society, and contributing to the state, especially to its defence. The Rav explains the controversial stand he took on conversion in Israel, and why the openness he adopted is, in his view, the only way of avoiding future tragedy within Israeli society.

Important essays follow on the kind of political structures that halakha would seek in a Jewish state: democratic governance, minority rights, electoral systems, the scope and limits of the Knesset's authority, the relative roles of central and local government, and the proper relationship between religion and politics. There are reflections on what would constitute a Jewish view of economic policy, the balance between personal responsibility and state aid, and how labour relations should be conducted. There is a strong chapter on the place of women in Judaism, and one on the evolving relationship between the Jewish people and humanity as a whole, especially as it has been affected by the rebirth of the State of Israel.

This is an outstanding work, vast in scope, monumental in scholarship, the distilled wisdom of one of the great Jewish minds of our generation. It is a book of strong views, boldly expressed, on topics of vital importance to the future of Judaism and the State of Israel. This is Torah at its most expansive and challenging, and it is as close as we will come to the voice of Maimonides for our time.



Prologue to the Hebrew Edition

We are fortunate to live in the age of the return to Zion and the ingathering of exiles. The events that we are witnessing in our time are beyond anything we could have imagined. Despite all of the threats facing them, the Jewish people and the State of Israel continue to grow and flourish, by the grace of God. Torah study is also on the upswing among our people; in all of history, Torah has never been studied on the scale that it is today. The promises of the Torah are being realized before our eyes.

The Jewish people, though relatively small, has had a profound influence on the nations of the world throughout history, and especially in our day. This influence sometimes arouses hatred toward us, but this is the price we pay for being the bearers of faith in this world, wittingly or unwittingly.

The social, cultural, and scientific changes of the modern age, the return of the Jewish people to its land, and the establishment of the State of Israel are all major historic upheavals that pose new and great challenges to the individual Jew and to the entire nation.

It is the Torah of Israel that shaped the people of Israel's spirit through history and gave us the vision of *tikkun olam*, perfecting the world. However, it is only in the present era of Jewish independence

and of scientific, technological, and cultural progress that circumstances have made it possible to realize this vision.

For centuries we were forced to invest all of our energies toward our survival, but now we have been granted the opportunity to realize the dream of fulfilling the mission of the Torah: kindness, righteousness, justice, peace, and the revelation of God's name on a global scale. In order to advance toward these goals, we must look to the Torah and its mitzvot and learn from them how to pave the way to the improvement of man and society.

Almost twenty years ago, the book *Darkah shel Torah (The Way of Torah)*, a collection of articles written at different times about various contemporary issues from a Torah perspective, was published. It is now long out of print. New articles have been written since then, and new issues have emerged that require our attention. It was therefore decided to publish a new volume to collect these new articles, ideas that were articulated in discourses at Yeshivat Birkat Moshe, as well as the articles that appeared in *Darkah shel Torah*. In addition, the older articles were revised to reflect changing circumstances and new material. Significant changes were made to most of the articles; in some cases new sections were added, and in other cases sections from the old versions were incorporated into entirely new articles. In addition, prior to the publication of the Hebrew edition, I held a series of talks with those who initiated this project and new material was added to each of the articles based on these conversations.

The volume draws its Hebrew name, *Mesilot Bilvavam*, from the verse: "Fortunate is the man whose strength is in You, in whose heart are the paths (*mesilot bilvavam*)" (Ps. 84:6). The Sages explain in a midrash (Leviticus Rabba 17:1):

"Fortunate is the man whose strength is in You." One might think that this includes all people; therefore the verse states, "in whose heart are the paths," in whose heart the path of Torah is well worn. "Do good, O Lord, to the good" (Ps. 125:4). One might think that this includes all people; therefore the verse states, "to the upright in their hearts" (125:4). "The Lord is close to all who call Him" (145:18). One might think that this includes all people; therefore the verse states, "to all who call Him with sincerity" (145:18).

This midrash teaches us that it is not enough for a person to cling to the Creator with all his might, for “even an ox knows its master, and a donkey cleaves to its master’s trough” (Is. 1:3). Man’s uniqueness lies in his ability to obtain wisdom of the heart (see Ps. 90:12), and that is accomplished by making the paths of Torah well-worn in his heart – that is, for his mind and will to be shaped by the Torah.

This is similar to what Radak writes (ad loc.) in the name of his father:

“Fortunate is the man” – my father, of blessed memory, explained that they have strength and wisdom through knowledge of Your oneness, for this is the root of all worship of You. As David said to his son Solomon, “Know the God of your fathers and worship Him” (I Chr. 28:9). “In whose heart are the paths” – they have pathways to knowledge of You in their hearts, and they traverse those paths, growing in strength each day. This interpretation is correct.

This book is divided into two sections: the first section focuses on the individual, and the latter section focuses on society.¹ This division accords with Maimonides’ explanation in *Moreh Nevukhim* III:27 of the dual purposes of the Torah: the welfare of the soul and the welfare of the body – that is, society. The common denominator of these sections is the attempt to apply Torah values in accordance with the changing times and their challenges and in light of Halakha and its philosophical underpinnings. For the sake of clarity, we have avoided lengthy halakhic discussions and instead have offered references only to the basic sources. The adept student will fill in the gaps on his own.

It is worth addressing, even if briefly, a major issue in the philosophy of halakha as taught to us by Maimonides: “[One] should seek in all the mitzvot an end that is useful in regard to reality: ‘For it is no vain thing’ (Deut. 32:47) ... The generalities of the commandments necessarily have a cause and have been given because of a certain utility.”²

1. Ed. note: In English, these will be two separate volumes.

2. *Moreh Nevukhim* III:26, 508.

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Maimonides rejects those

who consider it a grievous thing that causes should be given for any law.... What compels them to feel thus is a sickness that they find in their souls.... For they think that if those laws were useful in this existence... it would be as if they derived from the reflection and the understanding of some intelligent being. If, however, there is a thing for which the intellect could not find any meaning at all and that does not lead to something useful, it indubitably derives from God.... It is as if, according to these people of weak intellects, man were more perfect than his Maker; for man speaks and acts in a manner that leads to some intended end, whereas the Deity does not act thus.... Rather things are indubitably as we have mentioned; every commandment from among these 613 commandments exists either with a view to communicating a correct opinion, or to putting an end to an unhealthy opinion, or to communicating a rule of justice, or to warding off an injustice, or to endowing men with a noble moral quality, or to warning them against an evil moral quality. Thus all [the mitzvot] are bound up with three things: opinions, moral qualities, and political civic actions.³

In their hearts are the paths!

Here I wish to acknowledge and thank those who undertook this task. Rabbi Gideon Israel initiated and managed the publication of the original Hebrew volume. He worked alongside Rabbi Eli Reif, the volume's editor, who gathered the articles, transcribed the lectures, combined passages that express similar ideas, and worked systematically and meticulously to clarify and elucidate it all. I reviewed everything, of course, so any remaining errors or omissions are my responsibility alone. I am also grateful to Rabbi Mevorach Touito for his assistance during the first stages of work on this volume. Rabbi Binyamin Landau polished the style and language of the book with great skill.

3. Ibid. 3:31, 523–24.

“Were Your Torah not my delight, I would perish in my affliction; I will never neglect Your precepts, for You have sustained me through them” (Psalms 119:92–93).

Over two years ago, my world was darkened by the passing of my wife and life partner, the wise-hearted Rabbanit Rachel Malka, may her soul be bound in the bonds of eternal life. If any readers of this volume find it beneficial, I attest that, as Rabbi Akiva said, “Mine and yours are hers.”

May the Almighty bless everyone in my family with a long, good, and healthy life. May we merit seeing them all grow up to love God and His Torah, to revere Him. May God light up our eyes with His Torah.

“As for me, may my prayer come to You, O Lord, at a favorable moment. God, in your abundant kindness, answer me with Your sure deliverance” (Psalms 69:14).

Nahum L. Rabinovitch
Sivan 5777

Ed. note (Elul 5782):

We wish to add our thanks to the following people without whose efforts this English edition would not have been possible: translator Rabbi Elli Fischer; translation editor Rabbi Eliyahu Krakowski, who, as Rabbi Rabinovitch’s grandson, was privileged to have a close personal relationship with the author; copy editor Sara Henna Dahan; research consultant Rabbi Dr. Zvi Ron; the professional team at Koren Jerusalem – Publisher Matthew Miller, Editorial Director Rabbi Reuven Ziegler, Aryeh Grossman, Caryn Meltz, David Silverstein, Rabbi Michael Siev, and Debbie Ismailoff; Ayal Fishler of Me’aliyot Press; the leadership of Yeshivat Birkat Moshe; and Guido Rauch, for his partnership and his support for this important book.

Most of the essays in this book appeared earlier in other formats and editions. This volume follows the final versions of these essays as they appeared in Rabbi Rabinovitch’s *Mesilot BiLvavam* (Maaleh Adumim: Me’aliyot, 2015). This includes articles originally written in English or translated into English; the former were updated to reflect the Hebrew expansions, and the latter were both edited for style and updated to

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accord with the final Hebrew versions. We acknowledge our debt to the translators of the earlier versions of these articles. Since this volume was published posthumously, the translations did not obtain the final approval of the author.

Note to the Reader

All citations of Maimonides' works are to the following editions, unless otherwise indicated:

- *Commentary to the Mishna*: Qafih edition (Jerusalem: Mossad Harav Kook, 1963–1969).
- Introductory essays within the *Commentary on the Mishna* (with the exception of *Eight Chapters*): Shilat edition (Jerusalem: Me'aliyot, 1992).
- *Sefer HaMitzvot*: Qafih edition (Jerusalem: Mossad Harav Kook, 1971).
- *Mishneh Torah*: Where available, the citations are from my edition, *Yad Peshuta* (Ma'aleh Adumim: Me'aliyot, 1990–2011). Otherwise, we use the text of the *Mishneh Torah* Project edition: Y. Makbili, ed. (Haifa: Or Vishua, 2009).
- *Guide of the Perplexed*: Pines translation (Chicago: University of Chicago Press, 1963).
- *Iggerot HaRambam* (with the exception of the *Epistle to Yemen*): Shilat edition (Jerusalem: Me'aliyot, 5750).
- *Responsa of Maimonides*: Blau edition (Jerusalem: Mekitzei Nirdamim, 1958–1960).

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- *The Eight Chapters of Maimonides on Ethics: Shemonah Perakim*: Gorfinkle translation and edition (New York: Columbia University Press, 1912).
- *Moses Maimonides' Epistle to Yemen*: Cohen (trans.) and Halkin edition (New York: American Academy for Jewish Research, 1952).

Whenever “*Hilkhot X*” is cited, the reference is to *Mishneh Torah*. References to talmudic tractates in the Yerushalmi are prefaced with Y; if there is no prefacing letter, the reference is to the Babylonian Talmud.

Chapter 1

Grant Our Portion in Your Torah

The Creative Wisdom of Free Will

The uniqueness of man, the Divine image that elevates him above all other creatures, is his power of choice. Our guide for all generations, Maimonides, wrote:

This is what the Torah means by, “Man has become like one of us, knowing good and evil” (Gen. 3:22). That is, this species, mankind, is unique in the world. There is no other species like man in this respect, in that he autonomously, with his intelligence (*da’at*) and understanding, knows good and evil and does what he wants. None can prevent him from doing good or evil.¹

1. *Hilkhot Teshuva* 5:1. However, see *Hilkhot Yesodei HaTorah* 4:8, where he writes, “the superior intelligence (*da’at yetera*),” which seems to locate man’s uniqueness in his intelligence and not his free will, but compare to *Moreh Nevukhim* I:1, where he alludes to the idea of man’s intelligence when he writes: “knowing good and evil... with his *intelligence* and understanding, [he] knows good and evil and does what he *wants*.” See *Meshekh Hkchma* on Genesis 1:26: “The ‘Divine image’ is the capacity for choice that is free of natural compulsion but rather [derives] from freedom of will and mind.

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The Creator acts with complete freedom. No inhibition, no coercion, and no duress apply to Him. He decided to create, in the lower realms, a single creature, who would be unique by virtue of the divine quality implanted within him: the power of choice. Yet man, like the other earthly creatures, is limited because he is flesh and blood. Absolute freedom of choice is inconceivable without omnipotence, and man is not all-powerful! Nevertheless, the Creator granted him a space within which he can act freely, as he desires.

To that end, God granted man the awesome powers of wisdom (*hokhma*) and understanding (*bina*), whereby he can realize his destiny of building and ruling God's world, as Scripture states: "You have granted him dominion over Your handiwork; You placed everything at his feet" (Ps. 8:7).

There are two types of wisdom: The first is wisdom to observe the world and reveal the natural laws that God prescribed for it. Scripture states: "How manifold are Your works, O Lord; You have made them all with wisdom" (Ps. 104:24). That is, the world was created with wisdom and gives expression to God's wisdom, and God gave man the capacity to disclose nature's mysteries. He created within man intelligence that, in a certain respect, corresponds to the intelligence inherent in creation as a whole. Therefore, by the power of his mind, man can discover some of the hidden wisdom that the world embodies.

The deeper we penetrate, the more we discover, and the more we reveal that the mystery is ever greater. Throughout history, science has progressed both by making new discoveries and by applying this knowledge and these discoveries to human advancement.

The second type of wisdom is the wisdom to choose properly, the wisdom to know good and evil. Man must know his duty in this world and understand how to use his power of choice in order to fulfill his destiny.

Man is a spiritual creature. It is incumbent upon man not only to discover what is, but also to try to imagine what ought to be, and then to make that improved existence a reality. Man was given the ability to create not only in the physical realm, but in the spiritual and moral realm as well. This ability, however, is mere potential. The realization of this potential requires a vast and profound body of wisdom that is utterly unlike empirical science. Forging a moral world is, in essence, a spiritual

act, even if it is performed within a reality that is governed entirely by the laws of nature. This is the ultimate fulfillment of man's purpose.

Certainly, both categories of wisdom flow from the same source and stem from the same root: the wisdom of the Creator. But the common root of all wisdom is exceedingly deep, hidden, and beyond our grasp. Therefore, no one may ignore the distinction between these two types of wisdom.

One who ignores man's spiritual destiny sentences himself to imprisonment within the material. Ultimately, he also condemns himself to extinction. One who ignores the wisdom of the natural sciences ultimately condemns himself to the limitation of possibilities, to the point that he will have no control over the physical world and will be unable to achieve even the best and loftiest desires. A complete human being needs both types of wisdom.

As human knowledge expands, so does man's power and control over the world and the forces of nature. Correspondingly, as the ability to dominate the world grows, man's power of choice must contend with an ever-broadening range of possible action, for both good and evil. There are aspects of the universe that man may one day dominate almost completely, and other aspects over which man has less control. All in all, however, man's potential is vast, and he must endeavor to realize that potential, always broadening the realm over which he exercises his free choice. For example, as the natural sciences advance, human beings increasingly dominate the forces of nature and gain the ability to wield them as they see fit. Applied human wisdom leads to a reality in which there are new fields within which man is confronted with choices that earlier generations thought were solely in the hands of Heaven. In fact, sometimes even a single decision can be pivotal. As R. Yehuda HaNasi said, "Some acquire their world all at once."²

Only by exercising free will does man realize his essence. One who does not exercise the power to choose – his spirit is dimmed, and he does not embody the Divine image. Conversely, the more one broadens and deepens the scope of his free choice, the more he resembles the One on High, Who created him in His image. Man thus fulfills God's

2. Avoda Zara 10b; 17a; 18a.

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original design and exhibits the Divine image. All of creation sings his praises: “You have made him a little less than divine; You have crowned him in honor and glory” (Ps. 8:6).

However, it is not choice per se that is demanded of us. Could anyone imagine that the purpose of free will is merely to choose, regardless of *what* one chooses? Freedom of choice enables one to choose darkness over light and evil over righteousness. Is this what brings man his glory? The power to choose is a supreme value only because it is the tool that enables man to actively choose good and reject evil:

Every person is given power³ over himself: if he wants to steer himself toward the path of goodness and become righteous – he has that power; and if he wants to steer himself toward the path of evil and become wicked – he has that power.⁴

Since man was given this power: “You have granted him dominion over Your handiwork; You placed everything at his feet” (Ps. 8:7).

Man, endowed with free choice, is the elect of all creatures, yet he is capable of returning the world to primeval chaos. He is worthy of having been created only if he chooses good. However, choosing good is not enough. If one does good but not entirely of his free will, or without using his mind to recognize what is good, then his goodness is not a reflection of the Divine image within him. Only if he *chooses the good because it is good*, not (to the extent possible) due to any external constraints, pressures, or incentives, does he express his true essence through his choices. Only then does he justify the creation and continued existence of the human race.

This is how the Sages expressed the marvel – and risk – inherent in man’s ability to choose:

R. Simon said: When the Holy One sought to create man, the ministering angels divided into factions and groups, some saying he should be created, and others saying he should not be created.⁵

3. The Hebrew *reshut* here has connotations of both capacity and authority.

4. *Hilkhot Teshuva* 5:1.

5. Genesis Rabba 8:5; cf. Sanhedrin 38b.

The stakes are high here. Man can only choose good if he is given the power of choice. But what guarantee is there that he will in fact choose good? Yet, if the possibility of choosing evil is withheld from him, then his creation was in vain!

In terms of pure reason, the ministering angels were right to oppose man's creation. Angels, who lack the power of choice, possess only the faculty of critical reasoning, which distinguishes between affirmation and negation, existence and nonexistence – nothing more. Yet freedom of choice is neither of those, as it encompasses both sides of an apparent contradiction: in potential, it entails choosing good and also its opposite.

This is the meaning of the Sages' interpretation of the verse, "The Rock – His deeds are perfect... A faithful God..." (Deut. 32:4):

"The Rock" (*Tzur*) – the Artist (*Tzayar*), Who first shaped (*tzar*) the world and then formed (*va-yatzar*) man within it... "A faithful God" – Who had faith in the world, and created it.⁶

The Holy One is the greatest believer, because only by virtue of faith could He create the world. Only one with the power to choose could have faith in man, who likewise has the power to choose. The Holy One believed in man's purpose, and therefore created him.

In His wisdom, the Almighty created man and imbued in him the power to discover, on his own, the wisdom inherent in the universe – both the wisdom necessary to understand the world as it is and the wisdom to visualize a better world and bring it about. Some things are innate in man, such as how a baby, from birth, knows to suckle. Others, like walking, are learned gradually. There are also things that humanity as a whole requires many generations, and entire epochs, to learn. These things require intense and prolonged effort; yet even after cumulative efforts across generations, we are able to discover only an infinitesimal amount of the wisdom that God embedded within the universe. Nevertheless, the possibility of discovering this wisdom was given to man.

6. *Sifrei Devarim* 307.

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The wisdom to choose properly is different. Clearly, one who is not prepared to direct and employ his power of choice to seek truth and choose good will not attain either of them. But even one who seeks the proper path can become disoriented. For this reason, mankind requires a long period of growth, education, and maturation; a single lifespan is insufficient. Within the human race, heredity works not only biologically, but also culturally. Each generation acquires knowledge and abilities bequeathed to it by its forebears. Like a dwarf on the shoulders of a giant, it manages to see further. A generation may surpass its predecessors, and it is thus able to train its descendants to go even further.

Throughout history, there have been exceptional individuals who reached elevated spiritual levels, as Maimonides taught us:

Any individual in the world whose spirit moves him and whose own reason gives him the understanding to set himself apart in order to stand before God, to serve Him and worship Him, to know God; who walks upright, as God created him to do; and who has cast away the burden of the many calculations that people pursue – is sanctified with the utmost holiness. God will be his portion and his inheritance forever and ever.⁷

Nevertheless, history attests to the painful, bitter errors that humanity has made in its search for the proper path. The history of every nation, like the chronicles of all mankind, is a developmental process destined to cultivate virtuous individuals who choose good, and to fashion an entire society that nurtures such virtuous individuals. This is not a one-way process; it has ups and downs. It would have been better if certain generations had never been created, and some exceptional individuals sustain the whole world with their merit. The path is as deep and wide as the sea, and it is paved with hazards. Who will give us instruction? Who can teach us this lesson?

The Crown of Torah

The Holy One did a great kindness for the Jewish people – and not only for the Jewish people, but for the whole world – in giving us His Torah,

7. *Hilkhot Shemita VeYovel* 13:13.

thereby enabling us to achieve our spiritual purpose of knowing how to choose the path of God at every juncture. Man is a spiritual being, and as such he needs spiritual wisdom. This wisdom appears in the Torah, and its purpose is to guide human choices. The Torah is the wisdom that enables man to advance toward his destiny – not only the realization of his physical potential, but the realization of his spiritual potential as well: “Beloved is man, in that he was created in the Divine image ... Beloved is Israel, who was given the precious implement ... with which the world was created.”⁸

It is the destiny of the Jewish people, which has already produced spiritual giants, to advance this process, whose ultimate goal is the construction of a society in which the kingdom of Heaven is realized on earth:

“You shall instruct...the children of Israel that they shall bring you [pure olive oil...for kindling]” (Ex. 27:6) – not that I need [the lamps of the menorah], rather, you shall give light to Me just as I gave light to you This can be compared to a sighted man and a blind man who were walking. The sighted man said to the blind man, “Come, and I will support you.” And so the blind man went. When they reached home, the sighted man said to the blind man, “Go and light the lamp for me, and give me light, so that you owe me no favors for having accompanied you. That is why I have told you to light.” Thus, the sighted man is the Holy One, as it is written: “For the Lord’s eyes range over the whole earth” (II Chr. 16:9); the blind man is Israel, as Scripture states: “We grope, like blind men along a wall; like eyeless men, we grope. We stumble at noon as though in darkness.” (Is. 59:10)

...Israel said: “‘You light my lamp’ (Ps. 18:29), and yet You say that we should give You light?” Said He to them: “It is to uplift you, so that you give light to Me just as I gave light to you.”

...“The spirit of man is the lamp of the Lord” (Proverbs 20:27). The Holy One said: “Let My lamp be in your hand, and your lamp be in My hand.” What is God’s lamp? The Torah, as

8. Mishna Avot 3:14.

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Scripture states: “For the commandment is a lamp, and the Torah is light” (Proverbs 6:23). What is the meaning of “the commandment is a lamp”? One who performs the commandments is like one who lights a lamp before the Holy One. It revives man’s spirit, which is called a lamp, as Scripture states: “The spirit of man is the lamp of the Lord.”⁹

The Torah, which was given to Israel, molds and shapes the character of Israel in order to attain the ultimate goal, which is the character of Israel to facilitate their attainment of the ultimate goal, which is to realize the Divine image in order to become similar to God in all aspects of one’s life. Thus will the vision of the prophet be fulfilled: “I, the Lord, have justly called you; I have grasped your hand, formed you, and made you a covenantal people, a light unto the nations” (Is. 42:6).

Although all of mankind was commanded to observe only the seven Noahide laws, which express the basic religious and moral demands incumbent upon man, and is not charged with the observance of all 613 commandments, Scripture states in a vision for the future: “Many nations shall go and say, ‘Come, let us ascend the Mount of the Lord, to the House of the God of Jacob, so that He may instruct us in His ways, and so that we may walk in His path. For Torah (i.e., instruction) shall go forth from Zion, and the word of the Lord from Jerusalem” (Is. 2:3).

The wisdom of the Torah can guide the world to the right path. Indeed, throughout history, the fundamental ideas of the Torah have been disseminated throughout the world and made decisive contributions to the advancement of truth and morality, and to the improvement of man and of society. Yet the road to full realization of this vision, culminating in the prophet’s words, “for the earth shall be filled with knowledge of the Lord” (Is. 11:9), is still a long one.

The Torah is there for everyone, ready and waiting. We learn in a mishna: “Rabbi Shimon says: There are three crowns – the crown of Torah, the crown of priesthood, and the crown of royalty.”¹⁰ Based on the words of the Sages, Maimonides wrote:

9. Exodus Rabba 36:2–3.

10. Mishna Avot 4:13.

Three crowns were bestowed upon Israel: the crown of Torah, the crown of priesthood, and the crown of royalty. The crown of priesthood Aaron earned.... The crown of royalty David earned.... The crown of Torah is there, ready and waiting for everyone, as Scripture states: “Moses commanded the Torah to us, as the heritage of the congregation of Yaakov” (Deut. 33:4). Anyone who wants it may come and take it. Lest one say that those other crowns are greater than the crown of Torah, Scripture states: “By me kings reign and rulers decree justice. By me princes govern” (Prov. 8:15–16). Thus, the crown of Torah is greater than the crown of priesthood and the crown of royalty. The Sages said: A mamzer who is a Torah scholar takes precedence over a high priest who is an ignoramus...¹¹

The three crowns symbolize greatness. The crowns of royalty and priesthood depend on pedigree and are not given to all. Royalty is contingent upon belonging to the Davidic line, and the priesthood was given to the family of Aaron.

Royalty and priesthood, though they express unique social status, are linked to the material world and, as such, represent it. Moreover, they are linked to pedigree, which is material by its very nature. On the material plane, man is a limited creature; many things are beyond his control. In the material world, status is constrained by human limitations. Different people have different strengths; there are differences between male and female, and there are distinct traits that enable specific people to fill specific roles that others, who do not possess those traits, would be unable to fulfill properly. Thus, for example, not everyone can be an elite athlete. By the same token, there are those whose aptitude in scientific thinking enables them to achieve breakthroughs in science.

It is obvious that royalty has a place only in our material world, but in truth, the priesthood, too, belongs to the material world. The priest serves in the Temple, and his service is essentially physical. The physical world can be open to, and influenced by, the spiritual world, but it remains the physical world. This can be compared to someone looking out of a window.

11. *Hilkhot Talmud Torah* 3:1–2.

Although the window allows the observer to see another world, it does not really transport him into that world. Thus, even the high priest, who enters the inner sanctum of the Temple, prays for worldly needs. The priest creates a window; the purpose of his service is to draw Israel closer to their Father in heaven, yet his service and actions are within the confines of this world. Royalty and priesthood are of this world, and they have no grasp of eternity. They do not truly characterize man, but merely the material world.

The crown of Torah is different. By means of Torah, one is transported to the spiritual world and becomes rooted in eternity. The Torah belongs to God; it is spiritual wisdom. One who studies and keeps the Torah realizes his soul's potential. His mind, sublimated by God's Torah, creates its own portion in the Torah. "The Torah is his,"¹² and he grasps eternal life. The crown of Torah is available and ready for all, regardless of pedigree. This is the meaning of what the Sages taught: "A mamzer who is a Torah scholar takes precedence over a high priest who is an ignoramus."

The Holy One has given us a perfect Torah. However, as with the wisdom of creation, so too here God has given us only the keys to wisdom, and everything else is dependent on our choice and is the product of our study. Everything else is the product of study. By studying Torah, one realizes the potential of his soul, the Divinity within him.

The Torah is not intended merely to impart wisdom to man, nor even only to teach man to fulfill the commandments. Engaging in Torah enables man to discern – between truth and falsehood, between good and evil, and between various gradations of truth. Understanding that is firmly rooted in the Torah opens, for man, a route to all wisdom and even to the eternal world. The higher the truth one attains, the closer he gets to human perfection, to the point that he is worthy of being described by the verse: "You have made him a little less than divine" (Ps. 8:6). Man studies Torah and wisdom in order to mold himself,¹³ true self creation – that is, to form man's very soul.

In *Hilkhot Teshuva* (8:2), Maimonides wrote about the eternal soul in the spiritual existence we refer to as "the World to Come" (*Olam Haba*):

12. Kiddushin 32b. See Rashi, s.v. "Uvetorato yehegeh."

13. See *Hilkhot Yesodei HaTorah* 4:11–13.

The souls of the righteous survive there without exertion or effort. Moreover, the [Sages'] phrase, "with their crowns upon their heads," means: the *de'ah* (mind) with which they know, by virtue of which they attained life in the World to Come, remains with them. It is their crown, as King Solomon said: "The crown with which his mother crowned him" (Song. 3:11) The crown to which the Sages refer here is *de'ah*.

In these words, Maimonides alludes to a midrashic interpretation: "Ḥizkiyah bar Ḥiya taught: The Torah is a crown upon the head, as Scripture states: 'For they are a graceful wreath upon your head, a necklace around your throat' (Prov. 1:9)."¹⁴ Maimonides explains further in *Hilkhot Yesodei HaTorah* (4:8):

The superior knowledge found in the soul of man is the "form"¹⁵ of the man whose mind is perfect. Of this form, the Torah states: "Let Us make man in Our image, according to Our likeness" (Gen. 1:26) This is not the sentient soul of every animal, by means of which it eats, drinks, reproduces, senses, and feels. Rather, it is the mind (*de'ah*), which is the "form" of the soul.

Maimonides uses the term *de'ah* here. Elsewhere – especially in works translated from Arabic – we find the term *sekhel*,¹⁶ as in the expression "disembodied *sekhelim*." Today, the word *sekhel* is generally used to mean "intelligence," which is a more limited sense than the one intended by classical thinkers. It is therefore sometimes difficult to grasp exactly what they are describing. The English word "mind," which has no exact parallel in modern Hebrew, more closely approximates Maimonides' "*de'ah*" and his translators' "*sekhel*" than any modern Hebrew term.

14. *Midrash Tehillim* (Buber ed.) 19:15. See also Ta'anit 26b: "'The crown with which his mother crowned him on his wedding day and the day of his heart's rejoicing' – 'his wedding day' refers to the giving of the Torah."

15. The term "form" (*tzura*) is used here in its philosophical sense, and refers to an entity's essential characteristic. See *Moreh Nevukhim* I:1, I:68 and I:70.

16. Maimonides uses the term *sekhel* in different contexts and with various meanings.

Due to this confusion about the term *sekhel*, some think that there is no place in modern thought for Maimonides' statements that *de'ah* grants its possessors everlasting life. That is not so, however. The *de'ah* to which Maimonides refers is not a repository of propositions and proven truths (though, no doubt, they participate in the formation of "*de'ah*"). When Maimonides speaks of *de'ah*, he does not mean the information accumulated in one's brain, as on a hard drive. A computer can contain a great deal of information, but it is not conscious of it. A book may store much information, but a book, even a Torah scroll, has no life-force.

In this context, it is worth citing the comment, well-known amongst Ḥasidim and attributed to the Baal Shem Tov, on the Talmud's discussion of R. Huna's dictum: "Nine plus the ark combine" (Berakhot 47b). That is, according to R. Huna, nine men in a synagogue combine with the holy ark, in which a Torah scroll is stored, to form a prayer quorum. R. Naḥman responds in astonishment: "Is the ark human!?" The Talmud then reinterprets R. Huna's statement. But the question remains: What was the Talmud thinking when it initially stated, "Nine plus the ark combine"?

It is told that the Ba'al Shem Tov explained as follows: The Talmud initially reasoned that in order to establish a prayer quorum, ten are needed because every Jew has his own share in the Torah. Thus, when ten Jews gather, an objective quality of Torah is present, and it is worthy that the Divine Presence devolve upon it. Thus, if only nine are present, and only one share of Torah is missing, why not include the ark, in which the entire Torah can be found?

To this R. Naḥman responds in astonishment: "Is the ark human!?" A Torah scroll, which "sits in a corner,"¹⁷ is not a vehicle of the Divine Presence. Producing a quorum requires specifically human beings, who have their own share in the Torah.

Maimonides identifies *de'ah* with the "form" of the soul. We cannot define precisely what a soul (*nefesh*) is, but wisdom, understanding, knowledge, life experience, mitzva observance, and everything else that one encounters in life – these are all the raw materials that, through man's vigorous desire to serve his Maker, shape the soul. This is, in essence,

17. Editor's note: See Kiddushin 66a.

the entirety of man, and this is the perfection that constitutes his share in the everlasting, linking him to the eternal.

The process by which we shape our thought, emotion, and other mental powers according to Torah values manifests the potential of the “form” of man’s soul – the Divine, eternal aspect of man.

To Study Torah in Truth

It is not easy to earn the crown of Torah. It demands the intense spiritual effort of studying Torah to discern its truth (*amitah*). On the verse (Deut. 26:16) “The Lord your God commands you *this day* to observe these laws and rules,” a midrash states:

What is meant by “this day”?... Moses said to Israel: “Each day, the Torah should be beloved by you as though you received it on Mount Sinai on that day... R. Yoḥanan said: One who substantiates the Torah (“*oseh Torah le’amitah*”) [i.e., gives substance to the commandments in the physical word by performing them], is considered as though he substantiated (*asah*) himself, as it is stated: “God commanded me at that time to teach you the statutes and laws, so that you perform (*la’asotkhem*) them” (Deut. 4:14). It does not state “to perform” (*la’asot*), but “to make yourselves through them” (*la’asotkhem otam*). We derive from here that he is considered as though he made himself.¹⁸

The superficial approach to Torah study views it as the absorption of information, like filling a container. In truth, when it comes to Torah study, one cannot rely on the halakhic principle that “listening is tantamount to responding.” One must not be content with the passive reception of Torah from his teachers and peers, without acquiring wisdom on his own. The purpose of Torah study is to make the man, and for man to make himself. One of the most painful discoveries is that truth is not something that one person tells another, but rather what a person recognizes as true, drawing from the deepest recesses of a soul which craves knowledge and understanding. As long as one is unable to distinguish

¹⁸. *Midrash Tanḥuma* (Buber ed.), *Ki Tavo* 3.

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between truth and falsehood on his own, truth is not truth, because it is not his own; it is merely something written in a book. Only when the truth becomes part of one's essence is it really truth.

Therefore, one who was not changed or affected by his Torah study has not yet discerned its truth. Man possesses intelligence and mental abilities in potential, and when he realizes their potential by studying Torah to discern its truth, thereby revealing the Torah's wisdom, he is considered self-made. It is as though he has created himself anew.

Torah study is a challenge of intellectual and personal development – a challenge that lasts a lifetime and demands a great deal of investment. Only one who studies the Torah of truth can identify the resonance of God's voice in the world. Only one who truly studies – that is, who develops his logical reasoning and devotes himself to studying with honesty and integrity – attains the Torah of truth.

The midrash cited above teaches two principles. The first is “that day” – each day the Torah should be new to you. The second is that one must study Torah to discern its truth, and doing so renders one “self-made.” In actuality, these two principles are two facets of the same idea. The true Torah is the Torah that finds expression in a person who is in constant development, even from one day to the next. If someone is not the same person today that he was yesterday, then the Torah he studies today is also new and is not the Torah of yesterday. If one cannot sense this, then he is not studying the Torah of truth.

Torah study depends on the efforts one makes and on what he inherited and learned from earlier generations. Each generation adds wisdom, which constantly accumulates. Still, there is a difference between empirical wisdom and the wisdom of the Torah. As Rabbi Avraham, the son of Maimonides, wrote:

Know that it is your duty to understand that anyone who wishes to assert a specific idea, and, in deference to its author, accepts it without examining or understanding its content in order to determine whether it is true or not, exhibits poor character, and this is forbidden by the Torah as well as by logic. It is forbidden by logic because it inevitably results in deficient and defective

thinking about what one must believe. It is forbidden by the Torah because it deviates from the path of truth and straightforward thinking...to accept an idea and assert it without evidence, out of deference to its author, claiming that he is undoubtedly correct because he is a great man like Heiman, Kalkol, and Darda (I Kings 5:11). None of this constitutes evidence, and it is therefore forbidden [to accept such ideas uncritically].

Accordingly, we have no obligation to defend the ideas and statements of the Sages of the Talmud about medicine, natural science, and astronomy just because of the greatness of their character, the perfect quality of their interpretation of the Torah in all its particulars, and the integrity of their statements explaining its principles and details. We trust their interpretations of the Torah, whose wisdom they possess fully, and which has been given to them so they may instruct man, as it is stated: “In accordance with the instruction (*torah*) that they instruct to you (*yorukha*)” (Deut. 17:11).¹⁹

Rabbi Avraham explains that we must distinguish between the wisdom of the Torah and empirical wisdom. The wisdom of the Torah has been transmitted to the Sages of our tradition, whom Maimonides calls “the bearers of the teaching” (*ma’atikei hashemu’a*),²⁰ and who transmit the tradition that began with Moses from one generation to the next. We must make special efforts to learn the wisdom of the Torah at their feet.

However, this is not the case with regard to the natural sciences. The Sages did not disconnect themselves from empirical wisdom, as indeed no one should, but knowledge of the natural sciences is not revealed by God. Rather, each generation must investigate, contemplate, and attempt to advance its understanding of the world; later generations will build on those advances. Sometimes an apparent discovery will be

19. “Hama’amar al Derashot Hazal,” in *Milhamot Hashem*, R. Reuven Margolies edition (Jerusalem: Mossad HaRav Kook, 1952), 83–84. (The essay also appears as an introduction to the work *Ein Ya’akov*.)

20. Introduction to *Mishneh Torah*, halakha 24; *Hilkhot Talmud Torah* 1:9.

disproven. This, too, is a form of progress. Nowadays, an average person knows things that in the past were unknown to even the wisest of men.

It stands to reason that the Sages' statements about empirical wisdom reflect only the state of science in their time. It does not minimize the honor of the Sages even one bit if today we do not accept what they said about natural sciences like astronomy and medicine. One who follows talmudic medical prescriptions could well harm himself. Rather, one must follow the treatment prescribed by the best doctors of his time and place.

Even with regard to the wisdom of the Torah, although the Torah was given to us at Sinai and is transmitted to us by the *ma'atikei hashemu'a*, in whose footsteps we must follow, nevertheless, every person, in each generation, is commanded to study Torah to discern its truth with his own mind. Thus, for example, Rabbi Avraham, the son of Maimonides, wrote:

It is possible that something that was not clear to earlier generations will be clarified to later generations. This will happen in most cases, for a member of a later generation receives, in a more understandable form, that which his predecessors worked hard to explain. Thus, he is free to resolve other questions and reach conclusions that they could not because they were preoccupied with other more urgent matters. For that reason, the conventional halakhic presumption vis-à-vis the Sages of the Talmud is that "the law follows the later [authority]" (*hilkheta kebatrai*)²¹ – even though they also stated: "The fingernail of the earlier authorities is thicker than the belly of the later authorities" (Yoma 9b). It is not that the later scholar is closer to perfection than the earlier scholar in all cases, rather, the later scholar studies the statements of earlier authorities, builds upon them, and learns from them Hence, there is no reason for one with a healthy mind and good

21. Editor's note: This rule does not appear in the Talmud itself. See Shai Akavya Wozner, "Hilkheta Kibatrai – Iyun Mehudash," *Shenaton Mishpat Halvri* 20 (5755–5757), 151–67 (Heb.); Yehuda Zvi Stampfer, "Hilkheta Ke-batrai – Gishot Shonot Betekufat HaGeonim," *Shenaton Mishpat Halvri* 22 (5761–5763), 176–77 (Heb.).

reasoning ability to reject an opinion expounded and substantiated by a later scholar by saying: “This was not explained thus by your predecessors.”²²

Nahmanides as well, at the end of the introduction to his glosses on *Sefer Hamitzvot*, after vigorously defending *Halakhot Gedolot’s* enumeration of the mitzvot, emphasizes his commitment to truth:

Yet I, despite my urge and my desire to be a disciple of the earlier [sages], to uphold and reinforce their words, to make them as a necklace for my neck and a bracelet on my arm, I will not always be their book-carrying donkey. I will clarify their path, and I will know their worth. But when they do not contain my ideas, I will contest them from on the ground; I will judge according to what I see. And regarding clear halakha, I will show no favoritism in matters of Torah. For God grants wisdom in all ages and all times. He will not withhold good from those who walk [the path of] perfection.

In recent generations, R. Hayim of Volozhin, a disciple of the Vilna Gaon, wrote:

... It is forbidden for a student to accept the words of his master if he has questions about them. Sometimes the truth will be with the disciple, just as a small twig can ignite a large branch.... This is the meaning of the statement: “Your house should be a meeting place for sages, and you shall become covered in dust (*mit’avek*)” (Mishna Avot 1:4), in the sense of “a man wrestled (*va-ye’avek*) with him” (Gen. 32:25), which refers to wrestling in context of combat.... We are permitted to wrestle and argue about their words, to answer their questions, not to show favoritism to any man, but only to love the truth. However, all of this notwithstanding, one should take care not to speak arrogantly

22. *Hamaspik Le’ovdei Hashem [A Comprehensive Guide for Servants of God]*, Dana Edition (Ramat Gan: Bar Ilan University Press, 1989), 176–77.

or boastfully about finding occasion for dispute, and he must not imagine that he is as great as his master or as the author of the book he is criticizing. He should know deep down that he often does not understand the words or their intent. Therefore, he should be exceedingly humble, saying: “True, I am unworthy, but it is Torah . . .” Thus, the statement “become covered in dust,” as above, is on condition that it is “from the dust of their feet,” that is, humbly and submissively, arguing with them from on the ground.²³

The Torah has been in our hands since Sinai, but it was given to every man so he may toil over it with his mind. Torah study demands courage, self-criticism, and logical reasoning.

The Talmud (Yevamot 62a) recounts:

Moses did three things on his own initiative, and his opinion corresponded to that of God: He separated from his wife, smashed the Tablets, and added one day.

He separated from his wife. What did he expound? He said: “If to the Israelites, with whom the Divine Presence did not speak but briefly, and at a set time, the Torah said: ‘Do not approach a woman’ (Ex. 19:15), then I, who am singled out to hear God speak at any moment, without a fixed time, should certainly [separate from my wife].” His opinion corresponded to that of God, as it is stated: “Go say to them: ‘Return to your tents,’ but you stand here with Me” (Deut. 5:26–27).

He smashed the Tablets. What did he expound? He said: “If about the Paschal offering, which is but one of 613 commandments, the Torah said: ‘No stranger shall eat from it’ (Ex. 12:43), then it should certainly apply to the entire Torah vis-à-vis Israelite apostates.” His opinion corresponded to that of God, as it is stated: “That you smashed (*asher shibarta*)” (Ex. 34:1), and

23. *Ru'ah Hayim* on Mishna Avot 1:4.

Reish Lakish said: “The Holy One said to Moses: ‘More power to you, for you smashed (*yishar kohakha sheshibarta*).’”

He added one day [of separation between man and wife in preparation for the giving of the Torah] of his own initiative. [Rashi: The Holy One said to him: “Sanctify them today and tomorrow” (Ex. 19:10), yet he said, “Be ready for three days hence.”] What did he expound? It is stated: “Sanctify them today and tomorrow.” Today is just like tomorrow. Just as “tomorrow” includes the previous night, so too “today” includes the previous night. But today’s night is already past! We thus infer that the two days exclude today. His opinion corresponded to that of God since the Divine Presence did not descend until Shabbat. [Rashi: In Shabbat 86a, we learned that they separated from their wives on Wednesday, remained separated all Thursday and Friday, and then the Divine Presence devolved on Shabbat, which was the third full day. The first day did not count, since its night was not included.]

How could Moses deviate from God’s command on his own initiative? Why didn’t he ask God before acting? We find that the Talmud occasionally asks: “Why do I need a proof text? It makes sense!”²⁴ That is, when one studies Torah, logical reasoning must guide him. Moses smashed the Tablets because he ascertained that the nation was not yet ready to accept the Torah. A nation that worships a calf, seeks false religious experiences, and deludes itself, is not yet fit to receive the Torah. One can attain true values only through readiness to change oneself; one who believes that good is external deludes himself, distorts the truth, and ultimately worships an idol. This was the sin of the golden calf, about which the Israelites said: “These are your gods, O Israel, who raised you up out of the land of Egypt” (Ex. 32:4). Moses understood that if he would give the Tablets to Israel while they worshipped a calf, they would not attain the Torah either. Moreover, they would be likely to shatter the Tablets themselves, and for such a sin, there would be no atonement. Moses did

24. Ketubot 22a; Bava Kama 46b; Nidda 25a.

not need to ask what the law requires. He understood on his own that this was not the time to give the Torah.

The same applies to his separation from his wife. When he heard that one must prepare himself for Divine revelation, it became clear to him that since he must always be ready to serve, he could not be at home in his tent. There was no need to ask a question. This is not a law, but just good sense. So too with regard to God's command, "Sanctify them today and tomorrow." Moses knew that the allotted time would not suffice, and that the results could be harmful. It was thus clear to him that another day must be added, and the Holy One agreed.

One must understand not only what is written in the Torah, but also the goals it sets for us, the aims that it demands we achieve. There are those for whom studying Torah causes fear of independent, logical reasoning. But in fact, one need not always search for an explicit ruling in *Shulhan Arukh* or other texts. Rather, using logical reasoning, one must constantly reflect on what the Torah commands, what its goals are, and how the Torah's laws can be applied correctly, such that one's actions lead to the ends that the Torah seeks.

This pertains to both Torah study and the observance of mitzvot. It holds true for mitzvot between man and God and even more so for interpersonal mitzvot, because human relationships, by their very nature, cannot be governed solely by the written word. Rather, when determining interpersonal matters, one must employ logical reasoning that originates in an honest, sensitive, and understanding heart. In truth, the same applies to mitzvot between man and God, especially since they too are intended to promote interpersonal relationships as well.²⁵

Man's duty to uphold the Torah entails not only acting in accordance with the letter of the law, but also critically assessing the consequences of his actions. To study Torah properly, one must use his intelligence to apply concepts to the real world and to determine what

25. See *The Guide of the Perplexed*, translated by S. Pines (Chicago: University of Chicago Press, 1963), III:35, p. 538: "It is known that all the commandments are divided into two groups: transgressions between man and his fellow man and transgressions between man and God... even though in reality these sometimes may affect relations between man and his fellow man."

is true and what is not. This demands effort and experience. One cannot grow in Torah unless he employs all the powers of his mind and heart, and each individual is required to make use of his own unique heart in particular. But even this is insufficient. One must also observe the real world and examine it with open eyes. The book alone is insufficient; to implement the Torah within the real world, one must study and understand the world as it really is.

The Individual and Society

Just as individuals undergo phases of development before reaching spiritual maturity, so too, the Jewish people as a whole progresses through historical eras that parallel the phases of human development. In each of these eras, the Torah serves as our guide and lodestar; the Torah was not given to one generation, but to all generations.

Had God wanted, He could have imbued us with a natural tendency to obey His commandments. Just as He endowed various animals – man included – with instincts for specific behaviors, so too, He could have made a creature that naturally avoids transgression and performs mitzvot. Yet, “if it were His will that the nature of any human individual should be changed because of what He, may He be exalted, wills from the individual, the sending of the prophets and the giving of the Law would have been useless.”²⁶ Fulfillment of the mitzvot has value only if it stems from man’s free will. Otherwise, it is meaningless action.

The Torah contains guidance and direction for each phase, from the stages of individual and national infancy, to the highest stages of individual perfection and national development.

Maimonides illustrated this with a parable:

When teaching children ... one should teach them to serve [God] out of fear [of punishment] or to receive reward.²⁷

A young child was brought to a teacher to study Torah.... He said to him, “Study, and I will give you nuts or figs”.... He studies hard, not for the sake of the study itself – for he does

26. Ibid., III:32, p. 529.

27. *Hilkhot Teshuva* 10:5.

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not realize its value – but to get the treat.... When [the student] grows older and matures, he no longer craves the object that he once deemed important. Rather, he desires other things instead. [The teacher] should whet [the student's] appetite again, with the object that he prefers now.²⁸

This process continues, until one has ascended the steps of wisdom, and understands that “The sole purpose of truth is to know that it is true. The mitzvot are truths. Thus, their purpose is their performance [itself].”²⁹

As with the education of an individual, so it is with the education of a nation. The Sages understood that fear was the main motivation during the first stage of the nation's development:

“They stood beneath the mountain” (Ex. 19:17): R. Avdimi bar Hama bar Hasa said: This teaches that the Holy One suspended the mountain over them like a barrel and said to them: “If you accept the Torah – all is well. If not – there will be your burial.”³⁰

Man is endowed with free choice, but he is worthy of being created only if he chooses good. If there is no one to accept the Torah, which makes it possible to progress toward the goal of choosing good, then the whole world is not worthwhile, and it would be fitting for it to return to the primordial chaos. The Sages expressed this in the form of a threat: “there will be your grave.” As the Talmud further elaborates: “The Holy One stipulated with creation: If the Israelites accept the Torah, you will endure; if not, I will return you to primordial chaos.”³¹

However, if the Jewish people accepted the Torah based on the threatened destruction of the world, it was not freely chosen because it was the good and true choice, but out of fear. Although Israel indeed proclaimed, “We will do and we will obey” (Ex. 24:7), they likely had

28. *Commentary on the Mishna*, Introduction to the Tenth Chapter of Sanhedrin (*Perek Helek*), (Maaleh Adumim: Shilat, 1996) p. 131.

29. *Ibid.*, pp. 131–32.

30. Shabbat 88a.

31. *Ibid.*

no free choice. A choice made under threat and intimidation has very little value. Thus, the Talmud continues: “R. Aḥa b. Yaakov said: This constitutes a substantial caveat (*moda’a*) against the Torah.” A *moda’a* is a declaration that one’s future action is being performed under duress, against his will, and without consent; such a declaration constitutes grounds to void an agreement. Thus, according to R. Aḥa, this *moda’a* could have voided the Israelites’ acceptance of the Torah.

But, the Talmud continues, “Rava said: Nevertheless, they reaccepted it in the days of Ahasuerus, as it is written, ‘The Jews upheld and accepted’ (Esther 9:27). They upheld what they had already accepted.”³² Rashi explains: “Out of love for the miracle performed on their behalf.” Rava agrees that the acceptance of the Torah at Mount Sinai was not a fully binding acceptance. Rather, the acceptance of the Torah at Sinai was the first stage in the nation’s education in the service of God. During this phase, absence of wholehearted will is not a defect, just as fear is the primary motivator during the first phase of an individual’s education.

This first phase lasted, according to Rava, a thousand years, through the periods of the judges and kings, through the days of the First Temple and the Babylonian exile, until the miracle of Purim. That entire period, even those generations in which the Torah was sovereign over Israel, was an epoch of fear. In that age, idol worship did not disappear in Israel. Occasionally, the people became aware that their entire existence depended on the Torah, and that if they rejected it, “that would be their grave.” In those instances, they returned to the Torah and mitzvot. Nevertheless, since they acted out of fear, their acceptance of the Torah was not considered true acceptance.

The second stage began in the days of Ahasuerus. Like a youngster who studies Torah in order to receive treats, Israel accepted the Torah “out of love for the miracle performed on their behalf.” Now, “all the rulers of the provinces... showed deference to the Jews” (Esther 9:3). The Second Temple began a new phase of Jewish history. Idolatry disappeared completely, and Jewish influence began to spread to other nations – through the Septuagint, for example, and by other means.

32. Ibid.

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This acceptance of the Torah no longer had the status of a coerced agreement. No *moda'a* could be declared, since one who commits to something because he wants to reap its benefits certainly has every intention to keep to the agreement.³³ Yet, though the acceptance of the Torah was now a binding one, it was not yet made out of truly free choice. There was still an element of coercion, and so it does not express the glory of man, the Divine image within him.

Several centuries later, Antigonus of Sokho reckoned that the time had come to announce the end of the second phase of the nation's education. "He would say: Do not be as servants who serve the master in order to receive reward. Rather, be like servants who serve the master regardless of reward."³⁴ "They meant by this that one should believe in the truth for the sake of truth; and this is the notion of serving out of love."³⁵ However, the generation was not yet ready; two disciples, Zadok and Boethus, distorted their master's words and went astray. "They rose up and separated themselves from the Torah. Two deviant sects originated with them: the Sadducees (Zadokites) and Boethusians."³⁶

Yet throughout those times, there was progress. Outstanding members of the nation attained great heights, and the impact of Torah education was discernible even among the common folk. False notions that had been prevalent among the people gradually vanished. Throughout the First Temple era, despite the revelation of the Divine Presence in the Temple, idolatrous belief remained very strong. Even when those who served God prevailed, idolatry never completely disappeared; it always remained hidden beneath the surface, ready to burst forth at any opportunity. Not so during the Second Temple era. The Men of the Great Assembly eliminated the idolatrous impulse.³⁷ The efforts of the Great Assembly and its influence prevented idolatry from ever reappearing. A thousand years of Torah had left an indelible mark on the entire Jewish people.

33. As stated in Bava Batra 47b: "Self-coercion is different."

34. Mishna Avot 1:3.

35. *Commentary on the Mishna*, Introduction to the Tenth Chapter of Sanhedrin (*Perek Helek*), p. 132.

36. *Avot DeRabbi Natan* 5:2.

37. Yoma 69b; Sanhedrin 64a; Arakhin 32b.

Idolatrous belief was entirely eliminated, uprooted from the hearts of even the least of the Jews. Zadok and Boethus too could not budge the Torah from the center of Jewish consciousness. The Torah became the symbol of Jewish identity; and monotheism was the unique characteristic of the Jews, setting them apart from all other peoples.

Serving God Out of Love

Although our generation, relative to earlier generations, is lacking with respect to faith and mitzva observance, the deepening awareness of individual freedom is a definite advancement over those earlier generations. Until the modern era, an authoritarian worldview which viewed obedience as the supreme value prevailed. Today, freedom is at the top of our priority scale. Only one who is aware of the magnitude of his power to choose can act out of truly free will.

In our times, there has been an increase in the number of people who are not impressed by the notion of reward and punishment. Freedom is what wins hearts today, and people today are willing to sacrifice and suffer greatly for the sake of individual freedom. This very freedom is a necessary condition for preparing hearts to fulfill the purpose of man's creation.

Educating one's child entails guiding him from stage to stage: from fear of punishment, to love of reward, and onward, step by step. The parent's efforts are premised on the belief that, at the end of this lengthy process, when the child reaches maturity, he will exercise his free will and choose the good and the true because they are good and true, not because of any other consideration. This is service out of love. The parent's faith reflects God's faith in humanity, as He "believed in His world and created it."³⁸ This faith is the axis of all history. And now, in our generation we are approaching national maturity, the age in which the human spirit recoils from any attempt to coerce it. There is no greater guarantee that mankind is on the verge of a great age in which the Divine image within man will appear in all its radiance.

In our day, adherents and teachers of the Torah face a dual challenge. On the one hand, they must acknowledge the greatness of a

38. *Sifrei Devarim* 307.

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generation that yearns to be free. On the other hand, they must sense the full power of the light contained within the Torah, which, given the chance to shine forth into the world, would permeate every dark corner and awaken hearts to the truth.

Woe to him who flinches from this dual challenge, who is frightened by God's faith in man, who fears the slackening observance of the Torah and does not trust the power of free choice.

Fortunate is one who is familiar with his generation's turmoil, who has experienced, along with his contemporaries, the profound realization that without individual freedom, life loses its meaning. He will recognize that his task is to promote Torah values in such a way that they inspire people to adhere to them freely, not out of coercion. In the words of Ralbag:

...Our Torah differs from the precepts and rituals of other nations, for our Torah contains nothing that cannot be derived from logical reasoning and understanding. Accordingly, God-given rituals would attract people to their practice in and of themselves. This is not the case, however, with regard to the rituals of other nations, which are not structured according to logic and wisdom; these rituals are foreign to human nature. People observe them because they are compelled by fear of the regime and the fear of punishment, not in and of themselves.³⁹

39. Ralbag, *Commentary on the Torah*, Deuteronomy 4, Lesson 14.

Compare this to Maimonides' illuminating words in *Moreh Nevukhim* III:11, pp. 440–41:

These great evils that come about between the human individuals... derive from ignorance, I mean from a privation of knowledge. Just as the blind man, because of absence of sight, does not cease stumbling, being wounded, and also wounding others, because he has nobody to guide him on his way, the various sects of men – every individual according to the extent of his ignorance – does to himself and to others great evils from which individuals of the species suffer. If there were knowledge, whose relation to the human form is like that of the faculty of sight to the eye, they would refrain from doing any harm to themselves and to others. For through cognition of the truth, enmity and hatred are removed and the inflicting of harm by people on one another is abolished. The prophet promised this when he said: "The wolf shall dwell with the lamb, and

Grant Our Portion in Your Torah

Great is His steadfast love toward us. Now, we can provide illumination on His behalf, as He provided illumination for us. The people that returned to its land can now renew its everlasting covenant by a free choice. Only the personal example of true students of the Torah can bring about the dissemination of Torah throughout the Jewish people. The prophet has described the character of such individuals:

Behold, My servant, whom I uphold; My chosen one, in whom I delight: I have placed My spirit upon him; he will teach justice to the nations. He will not cry out or shout; he will not make his voice heard in the street. He will not break [even] a weak reed or extinguish a dim wick. He will faithfully teach justice. He will not grow dim or weak until he establishes justice on earth; lands across the sea will await his Torah. (Is. 42:1–4)

the leopard shall lie down with the kid... and the cow and bear shall graze... and the sucking child shall play” (Is. 11:6–8). Then the text gives the reason for this, saying that the cause of the abolition of these enmities, these discords, and these tyrannies, will be the knowledge that men will then have concerning the true reality of the deity. For it says: “They shall not hurt nor destroy in all My holy mountain, for the earth shall be full of knowledge of the Lord, as the waters cover the sea” (ibid. 9). Know this.

(Compare this to *Mishneh Torah, Hilkhos Melakhim* 11:4; 12:1, 4–5.)

Also see *Mishneh Torah, Hilkhos Teshuva* 9:2: “The king who will arrive from the Davidic line will be wiser than Solomon and a prophet almost as great as Moses. Thus, he will teach the entire people and guide them on God’s path...”



Chapter 2

The Role of the Commandments

The Ideal and the Real

Human beings and societies, according to the view of the Torah, are not static and unchanging. On the contrary, certain basic presumptions and assertions about man and his behavior should be considered accurate only in the era in which they were formulated.¹

The system of Torah and mitzvot shapes society in two ways. On one hand, it imparts ideals that guide us to the highest levels of Divine service and teach us how to mold society into a vehicle for the Divine Presence. On the other hand, the Torah also contains legislation to counteract the evil present within the soul of the individual and the spirit of the nation, thus ensuring that the minimal conditions for spiritual flourishing are present in each generation, whatever its social, economic, and cultural circumstances.² To achieve the first objective, the Torah sets lofty goals which remain a challenge throughout time; even the noblest of spirits cannot achieve them in full. At the same time, in order to achieve the second objective, the Torah sets behavioral norms

1. See *Moreh Nevukhim* III:29.

2. *Ibid.* III:32.

and standards that all people are capable of accepting – standards below which the very survival of the individual and his society is threatened and any hope of spiritual advancement is negated.

The 613 mitzvot can be divided into two categories. Some mitzvot retain the same character across all eras; they apply to the end of days as they did to the beginning. Attaining higher levels of moral refinement and intellectual development grants access to deeper understandings of these mitzvot and creates broader horizons for their practical fulfillment. Other mitzvot are primarily aimed at improving society and advancing it to a state that will enable the realization of man's ultimate purpose: creating God's Kingdom on earth.

It is impossible for there to be a legal system that prescribes, in advance, the proper reaction to every possible scenario. Reaching a definitive conclusion in each case based on legal or moral principles would require familiarity with all relevant factors and considerations, including knowledge of human nature and the essence of human existence. These factors remain unknown, and may be unknowable because they are beyond human comprehension. Even were we to possess all the necessary information, it remains possible that there would not be definitive conclusions for every possible scenario.

Consequently, the Torah did not provide principles from which we can deduce the appropriate ruling for each individual case that arises. Rather, the system of mitzvot is constructed primarily from numerous examples. The Sages said: "Scripture speaks in the present,"³ which means that the Torah describes the common case, but does not intend for the law to apply solely in the case described. Rather, the cases that appear in Scripture are paradigmatic, and the law extends to analogous cases. Specific cases are thus generalized, as Maimonides describes: "What [Joshua] had not heard from Moses in detail he derived by analogy, by means of the thirteen principles that had been given to him at Sinai. These are 'the thirteen hermeneutical principles by which the Torah is expounded.'"⁴

This makes it possible to apply halakha to many cases despite the variability of conditions from one generation to the next. However,

3. Mishna Bava Kama 5:7.

4. *Introduction to the Commentary on the Mishna*, p. 28 (Maaleh Adumim: Shilat, 1996).

this path also invites disagreement: “So-and-so draws support from one proof-text, so-and-so draws support from another proof-text, and the like.”⁵ Hence, there are matters about which there is no clear halakha, and even though “both these and those” opinions originate as “words of the living God,”⁶ it is necessary, in some cases, to decide between opposing views. Otherwise, there is a risk that some will practice in one way, another group will practice differently, and the result is a proliferation of factions and disputes.

Additionally, the sages of each generation understood that enactments must be made, based on the needs of the particular time and place, “to benefit interpersonal conduct in a way that does not add to or derogate from the Torah, or to enhance people’s welfare as it relates to Torah. The Sages call these enactments (*takanot*) and practices (*minhagot*).”⁷ Such enactments are required specifically when a gap has developed between halakha and life’s changing conditions.

One of our medieval sages articulated this approach well:

Our perfect Torah provided general rules for improving human character and behavior. It is written: “Be holy” (Lev. 19:2), which means that one should not be overcome with desires, as the Sages said, “Sanctify yourself with that which is permitted to you.”⁸ It is similarly stated: “Do that which is right and good” (Deut. 6:18) which means that one should behave benevolently and honestly toward others. It would not have been fitting to command the particulars of all these principles, because the mitzvot of the Torah apply at all times, in every era, and in every situation, and one must perform them no matter what, yet temperaments and manners vary from person to person and from era to era. The Sages listed some useful particular applications of these principles, some of which they enacted as black-letter law, and others as the preferred or pious practice.⁹

5. *Introduction to the Commentary on the Mishna*, p. 40.

6. Eiruvim 13b.

7. *Introduction to the Commentary on the Mishna*, p. 42.

8. Yevamot 20a.

9. R. Vidal of Toulouse, *Maggid Mishneh*, *Hilkhot Shekhenim* 14:5.

Social, economic, and technological innovations and developments open new vistas for legislation that will lead to performance of “that which is right and good.” In every era, we must consider and determine what is right and good; this naturally leads to disagreements among our sages.

To illustrate this, we will discuss two topics that relate to society. We can then extrapolate from these straightforward but characteristic examples to other issues.

The Beautiful Captive Woman

Peace is an ideal for which we yearn, but we have not yet been privileged to witness the fulfillment of the prophecy, “Nation will not lift up sword against nation, nor will they train for war anymore” (Is. 2:4); war is still with us. It is our bitter lot that in order to save lives we have had to kill enemies. The yearning for peace and revulsion from war cry out from all of Scripture. The Torah recognizes the necessity of war, but it does not ignore the moral crisis that it generates. To the best of my knowledge, no ancient Near Eastern legal code placed restrictions on how war is waged. This stands in stark contrast to our Torah, which places legal limitations on warfare, to ensure that even as rivers of blood are spilled, no Jewish soldier will erase the Divine image from his soul.

There are numerous halakhot that pertain to warfare. Maimonides summarized these halakhot in chapter 6 of *Hilkhot Melakhim*: “We do not wage war against anyone until we have offered peace” (6:1); “we do not kill women and children” (6:4); “when besieging a city to conquer it, we do not surround it on all sides, but only on three sides, leaving room for fugitives and for anyone else who wishes to flee for his life” (6:7). Even Israel’s enemies were aware that Israel espouses different values and does not thirst for blood. Indeed, Scripture recounts how the princes and officers of Aram said to their defeated king: “We have heard that the Israelite kings are magnanimous” (I Kings 20:31).

War, though it has always been part of human history, is wretched. By its very nature, it effects dramatic changes within the souls of its participants. It threatens to evoke in man in general, and soldiers in particular, their basest, most animalistic energies.

Not only does the Torah admonish against turning war into a cruel, murderous rampage; it is also concerned for the soul of the

individual soldier, lest he, God forbid, destroy the Divine image within him, and for Jewish military encampments, lest their sanctity be desecrated. The Torah therefore saw fit to offer special guidance for combatants, in recognition of the uniqueness of their circumstances. This guidance operates on two planes: 1) setting aspirational norms; and 2) setting rules from which there may be no deviation.

In order to instill in soldiers that “the Lord your God walks in the midst of your encampment,”¹⁰ and in order to direct them toward proper behavior that will preserve the Divine image within them, the Torah even commands that the sanitary conditions of the encampment be maintained. Maimonides thus rules:

It is forbidden to relieve oneself inside the encampment or in any open field. Rather, there is a positive commandment to designate a path that will be set aside for relieving oneself, as [Scripture] states: “You shall have an area outside the encampment” (Deut. 23:13). It is also a positive commandment for everyone to have a spike among his gear; he shall go out to that path, dig with [the spike], relieve himself, and then cover it up, as it is stated: “You shall have a spike amongst your equipment” (ibid. 14) “Your encampment shall be holy” (ibid. 15).¹¹

He explains:

This book also includes the commandment to prepare a [secluded] place and a paddle. For one of the purposes of this Law, as I have made known to you, is cleanliness, and avoidance of excrements and dirt, and man’s not being like the beasts. And this commandment also fortifies, by means of the actions it enjoins, the certainty of the combatants that the *Shekhina* has descended among them – as is explained in the reason given for it: “For the Lord your God walks in the midst of your camp.” It has also included another notion, saying: “That He see no clean

10. Deuteronomy 23:15.

11. *Hilkhot Melakhim* 6:14–15.

thing in you, and turn away from you” (ibid. 14), this being against sexual immorality which, as is well known, is widespread among soldiers in a camp after they have stayed for a long time away from their homes. Accordingly, He, may He be exalted, has commanded us to perform actions that call to mind that the *Shekhina* has descended among us so that we should be preserved from those actions, and has said: “Therefore shall your camp be holy; that He see no unclean thing in you”.... Accordingly, everyone should have in his mind that the camp is like a Sanctuary of the Lord, and not like the camps of the Gentiles destined only to destroy and to do wrong and to harm the others and rob them of their property.¹²

There is nothing more hateful than war, which breaks down all inhibitions and makes bloodshed its goal. However, in order to protect Israel from its enemies war cannot be entirely avoided. Thus, due to exigent circumstances during warfare, the Torah relaxed some laws.

The Torah saw fit to be lenient about certain specific temptations that arise in the course of war, when passions flare. If a soldier’s impulses get the better of him, and he is unable to withstand temptation – especially in ancient times, when soldiers were away from home for long stretches and when all moral boundaries were breached – the Torah permitted him to take a gentile wife. Yet even in these circumstances, the Torah imposed restrictions on him, to limit his fall as much as possible.

The Torah addresses this case in the passage of the *eshet yefat to’ar*, the beautiful captive woman:

When you go out to war against your enemies, and the Lord your God delivers them into your hand, and you take captives, and you see among the captives a beautiful woman, and you desire her, and you take her to be a wife. Then you shall bring her into your home, and she shall shave her hair and grow her nails. She shall remove her captive’s clothing, and she shall live in your house,

12. *Moreh Nevukhim* III:41, pp. 566–67.

mourning her father and mother, for a month. Afterward, you may come to her and cohabit with her, and she shall be your wife. Then, if you do not desire her, you shall set her free. You shall not sell her for money. You shall not enslave her, for you have had your way with her.¹³

The Sages explained:

The Torah here is addressing the evil impulse [*yetzer hara*]: It is better to eat a properly slaughtered animal, even though it is dying, than to eat it after it has died on its own and become a *nevela* [i.e., even though it is not an ideal situation, the Torah provides a permitted, less debasing alternative].¹⁴

Maimonides clarified further:

You know their dictum: “The Torah here is addressing the evil impulse.” Nevertheless, this commandment includes an exhortation to noble moral qualities, which excellent men must acquire in a way I shall indicate. For though his desire overcomes him and he cannot hold back, it is necessary for him to bring her to a hidden place; as it says: “into your home.” And as [the Sages] have explained, he is not permitted to do her violence during the war. And he is not allowed sexual intercourse with her for the second time before her grief has calmed down and her sorrow has been quieted.¹⁵

The Sages disagree about when the beautiful captive woman first becomes permitted.¹⁶ Some maintain that she becomes permitted to the soldier only after she has done everything prescribed (shaving her head, etc.) and moved into his home. This is Nahmanides’ explanation in his

13. Deuteronomy 21:10–14.

14. Kiddushin 21b–22a.

15. *Moreh Nevukhim* III:41, p. 567.

16. Y. Makkot 2:6.

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commentary to the Torah.¹⁷ However, according to a second view in the Yerushalmi, it is permitted to cohabit with her during the time of war. This is also the view of the Bavli,¹⁸ and Maimonides rules accordingly: “You shall bring her’ – he brings her into a vacant area and then cohabits with her.”¹⁹ Ralbag elaborates on this in his commentary on the Torah:

The meaning of “you shall take her to be a wife” is that he may cohabit with her, yet the language also suggests that it is unbecoming for him to take her to commit this indecency unless his purpose is to marry her afterward. Thus, the Torah states immediately afterward, “you shall bring her into your home,” indicating that it is not proper to treat her lawlessly. Rather, he should bring her into his home or somewhere similar, which they can visit discreetly, and where he may cohabit with her... “you shall bring her into your home” – the Torah explains that it is not proper for him to cohabit with her and then abandon her immediately after he has had his way with her, or to falter with her again. Rather, he is required to bring her into his home.²⁰

Even though the Torah permitted something as a concession to man’s baser impulses, it regulated it as much as possible and did not permit him to cohabit with her and then abandon her. Rather, it made him responsible for the woman, obliging him to fulfill all of the requirements that appear in the biblical passage. As Maimonides summarizes:

After his first cohabitation with her, while she is still a gentile, if she accepts upon herself to enter under the wings of the Divine Presence, she is immediately immersed in a ritual bath for the sake of conversion. If she does not accept, she lives in his house for a month, as it is stated: “mourning her father and mother, for a month.” She similarly weeps over her religion, and he may not

17. Deuteronomy 21:13.

18. Kiddushin 21b.

19. *Hilkhot Melakhim* 8:3.

20. Commentary on Deuteronomy 21:11.

stop her. She grows out her fingernails and shaves her head so that he finds her repulsive. She shall be with him in his home: he sees her when he enters, and he sees her when she leaves, so that he despises her.... If she accepts and he wants her, she shall convert, immersing like all converts.... If he does not want her, he shall set her free.²¹

He further states:

She may also, for thirty days in public, profess her religion, even in an idolatrous cult, and may not during that period be taken to task because of a belief.²²

Meiri elaborates further:

Rather, after he cohabits with her, it is proper for him to speak tenderly to her, to draw her near so she may find shelter under the wings of the Divine Presence.... If she does not accept this, he brings her to his house gently, without reprimand or commotion, and she dwells there for thirty days. He lets her weep over her father, her mother, and her family, and over the abandonment of her religion and culture. He does not withhold this from her.²³

The Torah further commands: "Then, if you do not desire her, you shall set her free. You shall not sell her for money. You shall not enslave her, for you have had your way with her." That is, because he had his way with her, he must concern himself with her freedom. He must either "marry her [properly,] with a *ketuba* and *kiddushin*,"²⁴ or liberate her.

There is still more we can learn from studying this mitzva: We must now consider the *category* to which this mitzva belongs.

21. *Hilkhot Melakhim* 8:5–6.

22. *Moreh Nevukhim* III:41, p. 567.

23. Meiri on *Kiddushin* 22a.

24. *Hilkhot Melakhim* 8:5.

Maimonides wrote in *Sefer Hamitzvot*: "...we have been commanded regarding the law (*din*) of the beautiful captive woman."²⁵ Similarly, in the list of mitzvot that appears at the beginning of *Hilkhot Melakhim*, he writes: "The law (*din*) of the beautiful captive." What is the meaning of this formulation, which categorizes this mitzva as a *din*?

Some mitzvot require that we perform specific acts or refrain from specific acts. There are other mitzvot, of a different sort entirely, that establish legal definitions, and which Maimonides calls *dinim*. They establish, for example, which modes of acquisition are valid and which are not; what causes ritual impurity and what purifies one from such impurity; who can be bound by a particular contract, and who cannot; and so forth.

Thus, Maimonides wrote:

Understand that whenever I enumerate something as one of the *dinim*, it is not a commandment to perform a specific act. Rather, the mitzva is that we are commanded to apply this procedure to the particular matter.²⁶

25. Positive commandment 221.

26. *Sefer Hamitzvot*, positive commandment 95. In positive commandment 96, he wrote: Our enumeration of each different type of ritual impurity as a positive commandment does not imply that we are obligated to defile ourselves with such impurities, nor that it is prohibited for us to become defiled, in which case it would be a negative commandment. Rather, the Torah's instruction that one who came into contact with a certain species becomes impure, or that a particular object causes one who touches it to contract a certain level of impurity, is a positive commandment. In other words, this law (*din*) that the Torah commanded is a mitzva, in that we say that one who touches a particular object in a particular manner becomes impure, whereas someone who was in such and such situation does not become impure. Becoming defiled is itself voluntary. If one wants he may become defiled, and if one wants he may avoid defilement.

And in positive commandment 109:

When we say that immersion is a mitzva, it does not mean that it is a positive commandment in the sense that anyone who is ritually impure is obligated to immerse, as anyone who dresses himself in a garment is obligated to place tzitzit on it, and anyone who owns a house must build a rail on the roof. Rather, I mean that the *din* of immersion is that we have been commanded that one who wishes to purify himself from defilement cannot do so except by immersing in

The mitzvot that relate to the beautiful captive woman are categorized as *dinim*. Fortunate is the man who is not overcome by his impulse to “eat the flesh of a dying animal” and is not attracted to a beautiful captive woman; the passage of *eshet yefat to’ar* is not addressed to him at all. However, considering the strain of war and the uncontrolled torrent of emotion in battle, the Torah created an exception to the prohibition against cohabiting with a gentile woman, under specific conditions. It established laws to minimize the damage caused by this surge of lust.

Slavery

The reason man was created alone...is for the sake of peace among men, so no person can say to another, “My father was greater than yours”... and to proclaim the greatness of the Supreme King of Kings, the Holy One, blessed is He – for if a man mints a hundred coins with one mold, they are all alike, but the Supreme King of Kings, the Holy One, fashions every man in the mold of Adam, yet no one is a copy of his fellow. Therefore, everyone can proclaim: “The world was created for me!”²⁷

Maimonides explained: “in the mold of Adam – in the form of the species of humankind, that which makes human beings human, which all humans share.”²⁸

Thus, from the very first chapters of Genesis, the Torah teaches that all men are of equal standing. However, people became depraved and subjugated one another; they created distinctions between men, between slaves and their masters. Yet these differences in status are not grounded in any reality. Before the Creator, all are equal. Only those who sow injustice ignore the fact that all human beings are created in the Divine image. Only an evildoer condemns a slave to subhuman treatment.

water.... It does not mean that we require him to immerse. Rather, one who wishes to remain impure... may do so.

27. Mishna Sanhedrin 4:5.

28. *Commentary on the Mishna*, Sanhedrin 4:5.