

# Rav Rabonivitch's Novel Views on Torah and Humanism in a Changing World

*Shiur in commemoration of Rav Rabinovitch's recent passing*

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## 1. תלמוד בבלי מסכת קידושין דף כ"א עמוד ב

איבעיא להו: כהן, מהו ביפת תואר? חידוש הוא, לא שנא כהן ולא שנא ישראל, או דילמא שאני כהנים, הואיל וריבה בהן מצות יתרות? רב אמר: מותר, ושמואל אמר: אסור. בביאה ראשונה - דכ"ע לא פליגי דשרי, דלא דברה תורה אלא כנגד יצר הרע, כי פליגי - בביאה שניה, רב אמר: מותר, ושמואל אמר: אסור; רב אמר מותר, הואיל ואישתריא אישתרי; ושמואל אמר אסור, דהא היא לה גיורת, וגיורת לכהן לא חזיא. א"ד: בביאה שניה - כ"ע לא פליגי דאסירא, דהואיל לה גיורת, כי פליגי - בביאה ראשונה, רב אמר: מותר, דהא לא דברה תורה אלא כנגד יצר הרע; ושמואל אמר: אסור, כל היכא דקרינא ביה והבאתה אל תוך ביתך, קרינא ביה וראית בשביה, כל היכא דלא קרינא ביה והבאתה אל תוך ביתך, לא קרינא ביה וראית בשביה.

## 2. ספר המצוות לרמב"ם מצות עשה רכב

המצוה הרכ"ב היא שצונו לגרש בשטר על כל פנים כשנרצה לגרש והוא אמרו יתעלה (תצא כד) וכתב לה ספר כריתות ונתן בידה. וכבר התבאר משפטי מצוה זו רוצה לומר דין גרושין בשלמות במסכתא המחוברת לזה רוצה לומר מסכת גטיין:

## 3. רמב"ם הלכות גירושין פרק א

**הלכה א** אין האשה מתגרשת אלא בכתב שיגיע לה וכתב זה הוא הנקרא גט, ועשרה דברים הן עיקר הגירושין מן התורה ואלו הן: שלא יגרש האיש אלא ברצונו, ושיגרש בכתב ולא בדבר אחר, ושיהיה ענין הכתב שגרשה והסירה מקניינו, ושיהיה ענינו דבר הכורת בינו לבינה, ושיהיה נכתב לשמה, ושלא יהיה מחוסר מעשה אחר כתיבתו אלא נתינתו לה, ושינתנו לה, ושינתנו לה בפני עדים, ושינתנו לה בתורת גירושין, ושיהיה הבעל או שלוחו הוא שנותנו לה, ושאר הדברים שבגט כגון הזמן והתימת העדים וכיוצא בהן הכל מדברי סופרים.

**הלכה ב** ומנין שעשרה דברים אלו מן התורה שנ' +דברים כ"ד+ והיה אם לא תמצא חן בעיניו וגו' וכתב לה ספר כריתות ונתן בידה ושלחה מביתו, אם לא תמצא חן בעיניו, מלמד שאינו מגרש אלא ברצונו, ואם נתגרשה שלא ברצונו אינה מגורשת, אבל האשה מתגרשת ברצונה ושלא ברצונה.

**הלכה ג** וכתב, מלמד שאינה מתגרשת אלא בכתב, לה, לשמה, ספר כריתות, דבר הכורת בינו לבינה שלא ישאר לו עליה רשות, ואם עדיין לא נכרת בינו לבינה אינה מגורשת כמו שיתבאר. ונתן בידה, מלמד שאינה מתגרשת עד שינתן הגט לידה או ליד שלוחה שהוא כידה או לחצרה שהכל כידה כמו שיתבאר. ושלחה, שיהיה ענין הגט שהוא המשלח אותה, לא שישלח עצמו ממנה.

## 4. Maimonides, Guide of the Perplexed, Vol. 3 chapter 32

Many precepts in our Law are the result of a similar course adopted by the same Supreme Being. It is, namely, impossible to go suddenly from one extreme to the other: it is therefore according to the nature of man impossible for him suddenly to discontinue everything to which he has been accustomed. Now God sent Moses to make [the Israelites] a kingdom of priests and a holy nation (Exod. 19:6) by means of the knowledge of God. Comp. "Unto thee it was showed that thou mightest know that the Lord is God (Deut. 4:35); "Know therefore this day, and consider it in thine heart, that the Lord is God" (ibid. 5:39). The Israelites were commanded to devote themselves to His service; comp. "and to serve him with all your heart" (ibid. 11:13); "and you shall serve the Lord your God" (Exod. 23:25); "and ye shall serve him" (Deut. 13:5). But the custom which was in those days general among all men, and the general mode of worship in which the Israelites were brought up, consisted in sacrificing animals in those temples which contained certain images, to bow down to those images, and to burn incense before them; religious and ascetic persons were in those days the persons that were devoted to the service in the temples erected to the stars, as has been explained by us. It was in accordance with the wisdom and plan of God, as displayed in the whole Creation, that He did not command us to give up and to discontinue all these manners of service; for to obey such a commandment it would have been contrary to the nature of man, who generally cleaves to that to which he is used; it would in those days have made the same impression as a prophet would make at present if he called us to the service of God and told us in His name, that we should not pray to Him, not fast, not seek His help in time of trouble; that we should serve Him in thought, and not by any action. For this reason God allowed these kinds of service to continue; He transferred to His service that which had formerly served as a worship of created beings, and of things imaginary and unreal, and commanded us to serve Him in the same manner; viz., to build unto Him a temple... He selected priests for the service in the temple; comp. "And they shall minister unto me in the priest's office" (ibid. 28:41). He made it obligatory that certain gifts, called the gifts of the Levites and the priests, should be assigned to them for their

maintenance while they are engaged in the service of the temple and its sacrifices. By this Divine plan it was effected that the traces of idolatry were blotted out, and the truly great principle of our faith, the Existence and Unity of God, was firmly established; this result was thus obtained without deterring or confusing the minds of the people by the abolition of the service to which they were accustomed and which alone was familiar to them. I know that you will at first thought reject this idea and find it strange; you will put the following question to me in your heart: How can we suppose that Divine commandments, prohibitions, and important acts, which are fully explained, and for which certain seasons are fixed, should not have been commanded for their own sake, but only for the sake of some other thing: as if they were only the means which He employed for His primary object? What prevented Him from making His primary object a direct commandment to us, and to give us the capacity of obeying it? Those precepts which in your opinion are only the means and not the object would then have been unnecessary. Hear my answer, which will cure your heart of this disease and will show you the truth of that which I have pointed out to you. There occurs in the Law a passage which contains exactly the same idea; it is the following: "God led them not through the way of the land of the Philistines, although that was near;...etc. (Exod. 13:17). Here God led the people about, away from the direct road which He originally intended, because He feared they might meet on that way with hardships too great for their ordinary strength; He took them by another road in order to obtain thereby His original object. In the same manner God refrained from prescribing what the people by their natural disposition would be incapable of obeying, and gave the above-mentioned commandments as a means of securing His chief object, viz., to spread a knowledge of Him [among the people], and to cause them to reject idolatry. It is contrary to man's nature that he should suddenly abandon all the different kinds of Divine service and the different customs in which he has been brought up, and which have been so general, that they were considered as a matter of course; it would be just as if a person trained to work as a slave with mortar and bricks, or similar things, should interrupt his work, clean his hands, and at once fight with real giants. It was the result of God's wisdom that the Israelites were led about in the wilderness till they acquired courage. For it is a well-known fact that travelling in the wilderness, and privation of bodily enjoyments, such as bathing, produce courage, whilst the reverse is the source of faint-heartedness: besides, another generation rose during the wanderings that had not been accustomed to degradation and slavery. All the travelling in the wilderness was regulated by Divine commands through Moses; comp. "At the commandment of the Lord they rested, and at the commandment of the Lord they journeyed; they kept the charge of the Lord and the commandment of the Lord by the hand of Moses" (Num. 9:23). In the same way the portion of the Law under discussion is the result of divine wisdom, according to which people are allowed to continue the kind of worship to which they have been accustomed, in order that they might acquire the true faith, which is the chief object [of God's commandments]. You ask, What could have prevented God from commanding us directly, that which is the chief object, and from giving us the capacity of obeying it? This would lead to a second question, What prevented God from leading the Israelites through the way of the land of the Philistines, and endowing them with strength for fighting? The leading about by a pillar of cloud by day and a pillar of fire by night would then not have been necessary. A third question would then be asked in reference to the good promised as reward for the keeping of the commandments, and the evil foretold as a punishment for sins. It is the following question: As it is the chief object and purpose of God that we should believe in the Law, and act according to that which is written therein, why has He not given us the capacity of continually believing in it, and following its guidance, instead of holding out to us reward for obedience...? There is one general answer to these three questions, and to all questions of the same character: it is this: Although in every one of the signs [related in Scripture] the natural property of some individual being is changed, the nature of man is never changed by God by way of miracle. It is in accordance with this important principle that God said, "O that there were such an heart in them, that they would fear me," etc. (Deut. 5:26). It is also for this reason that He distinctly stated the commandments and the prohibitions, the reward and the punishment. This principle as regards miracles has been frequently explained by us in our works: I do not say this because I believe that it is difficult for God to change the nature of every individual person; on the contrary, it is possible, and it is in His power, according to the principles taught in Scripture; but it has never been His will to do it, and it never will be. If it were part of His will to change [at His desire] the nature of any person, the mission of prophets and the giving of the Law would have been altogether superfluous.

## **5. Yaakov Elman, "R. Zadok Hakohen on the History of Halakha," *Tradition* 21:4 (1985)**

The subject of this paper—the historiosophy of R. Zadok of Lublin—allows for a process of progressive revelation which adheres to the letter of the (devolutionary) law. R. Zadok suggests an alternative solution of the historical problems we enumerated above: lack of evidence for an early Oral Law, positive evidence for deviations from halakha in Biblical times, and the problem of Tannaitic controversy...

The Great Divide in Jewish history, according to R. Zadok, occurred not with the destruction of either Temple, but with the cessation of prophecy, which involved not only a change in leadership from prophet to sage, but a change in access to Torah. R. Zadok develops a comprehensive theory of the changing relationship of the Jewish people to the Oral Torah, in which the traditional view outlined in Section I is in several significant ways reversed.

I heard from our Holy Teacher in the name of R. Bunim (of Parshischa) that even though intellectual abilities decline with each generation, understanding and appreciation of truth increases and has become purified through the tribulations of exile...

As is known, whenever anyone understands any matter clearly, the light of that Gate (of knowledge) becomes open to the world and is open to all, for this is the principle that God established for all the generations, even though they continually decline in ability. For once these lights are made available to every generation by the great ones among the sages of Israel, they are not scaled up; they remain open forever, and become fixed laws for all Israel. Therefore, even though later generations are inferior (to earlier ones), they nevertheless maintain their awareness (of knowledge), as dwarfs (on the shoulders of) giants. . . and they themselves continue the process of this opening of new Gates. Even though they themselves are greatly inferior (in comparison to their forebears, their insights) are more profound, for they have already passed through the Gates opened for the earlier generations....

The stage is now set for a reconstruction of Jewish intellectual history radically different from the one generally understood as "traditional." In the latter, the entire system of Halakha was revealed in minute detail to Moses and continued in force from then on to the present time, albeit with occasional losses which were, in the main, restored. Jewish intellectual history thus becomes a tale of degeneration from the high level attained at Sinai, caused by defects in the system of transmission. There is a tendency to limit the human contribution to the development of Torah. R. Zadok's view, on the other hand, allows much greater room for a dynamic human involvement in the post-Biblical halakhic process, guided by Divine inspiration.

## **6. Christine Hayes, *What's Divine about Divine Law?* (2015), p. 318**

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In his book *Interpretive Revolutions in the Making*, Moshe Halbertal examines the place of ethical values in rabbinic interpretation of the Bible, examining five cases in which ethical considerations play a clear role in the modification of biblical law, including the law of the stubborn and rebellious son (Halbertal 1999, chap. 2). In subsequent chapters, Halbertal argues that rabbinic restrictions of a father's authority over his daughter are based on an ethical objection to the harshness of the punishment prescribed for the loss of virginity; rabbinic modifications of the law of the suspected adulteress invoke explicit ethical calculations, such as a condemnation of jealousy and the rejection of a double standard for husband and wife; the delimitation and defanging of the biblical law prohibiting a woman from intervening in a fight between men is explicitly motivated by the ethical calculation that a woman should be permitted to rescue a man from an attacker; collective punishment is challenged by the objection that innocent children will suffer; and the laws of execution are modified in the direction of leniency in line with a variety of ethical considerations. There is no indication that these ethical values arise from the biblical text itself; no textual, philological, or formal proofs are provided. According to Halbertal, the weight given to morality in these cases varies, but in the case of the stubborn and rebellious son and the idolatrous city, external ethical considerations do not simply modify the law; they disable it altogether.

## **7. R. Nahum Eliezer Rabinovitch, "The Way of Torah"**

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p. 2-3

The Image of God (Tselem Elokim) is man's unique quality that elevates him above all other creatures. It is the capacity of free choice. The Creator acts with total freedom; nothing stands in His way; nothing forces or pressures Him to do anything. God decided to create a being in the lower realms in whom He would implant an aspect of higher existence: the power to choose. At the same time, like other creatures in the lower realms, man is limited because he is made of flesh and blood. Absolute freedom and choice are inconceivable without infinite power, and man lacks infinite power! But the Creator nevertheless allowed man a space in which he could operate in accord with his free will. To that end, He endowed him with vast powers of wisdom and understanding so he could exercise dominion over this world. In some areas, that dominion is almost complete; in others, it is less so. All in all, however, man's potential capacity is vast, clearing a wide expanse in which his free will can be exercised. And only in the exercise of that free will does man actualize his essence. A person who fails to attain that level – who cannot exercise free choice, whether because of external factors that confine him or because of stunted development of his physical and spiritual powers – is one whose soul is dimmed and in whom the image of God does not appear. Conversely, the more a person finds opportunities to choose and relies on his free choice, the more he resembles the supernal model on the basis of which he was created...

Free choice allows one to choose darkness as well as light. One possessing choice can prefer wickedness to righteousness – but would that be his glory? On the contrary; the great value of choice resides only in its ability to be used to choose the good and despise the evil. The glory of man lies in his capacity to illuminate the entire world. "Every man is given authority: If he wants to direct himself to the good and be righteous, he has the power to do so. But if he wants to direct himself to the bad and be wicked, he has the power to do so."

p. 4

The intellect distinguishes positive from negative, existence from non-existence – but nothing more. Free choice blurs those distinctions, for it encompasses two seemingly contradictory aspects: it entails the ability to choose the good, but also the opposite...

Obedience to the commandments has value only if it flows from man's free will. Otherwise, it is nothing more than a purely mechanical act...

To establish a domain in which he can act, a human requires growth, education, and maturation over a long period. Even an individual lifetime is insufficient. Human heredity operates not only in the biological sphere but also in the cultural. Each generation acquires knowledge and power from the efforts of its ancestors, and, like a dwarf perched on the shoulders of a giant, its vision can penetrate a bit farther into the distance...

The nation of Israel, which has already succeeded in producing such choice individuals, serves as a vehicle for this process, whose goal is to establish a society in which the kingdom of heaven will be realized on earth.

"Mankind is beloved, for it was created in the Image of God... Israel is beloved, for it was given the instrument through which the world was created." This Torah that was given to them guides and molds Israel's image and makes Israel fit to attain the desired goal – making use of Tselem Elokim in order to resemble Him in all His ways.

p. 4-5

Just as an individual's training proceeds step by step until he attains his full spiritual stature, the history of Israel as a whole comprises periods that correspond to the various stages of human maturation. In each of them, the Torah serves as guide and regulator, for the Torah was given not to one generation alone but to all generations. The Torah thus encompasses guidance for each stage of development along the way as well as instruction on how God is to be served by the perfected man and the generation that has attained full wisdom.

p. 5

The Rabbis saw the first step as one involving fear: "They stood at the base of the mountain [Sinai] – R. Avdimi b. Hama b. Hasa said, This teaches that [God] held the mountain over them as a dome and said to them, 'If Israel accepts the Torah, well and good; but if not, this will be your burial place.'" This threat was no exaggeration or hyperbole;...

But "Rava said, Nevertheless, the generation of the time of King Ahasuerus accepted it, as is written, 'The Jews maintained and accepted it' – they maintained what they had previously accepted."...

pp. 5-6

That first stage continued, according to Rava, for about one thousand years – through the time of the judges and the kings, the first Temple, the Babylonian exile, and the return to Zion, all the way to the miracle of Purim. That entire period, even at times when observance of the Torah was prevalent in Israel, was the epoch of fear. On occasion, the nation's consciousness was penetrated by the idea that their very existence depended on the Torah and that if they denied it, "this will be their burial place."...

The second stage began in the days of Ahasuerus. Like the youngster who studies Torah to be rewarded with sweets and treats, the Jews accepted the Torah because of their appreciation of the miracle. They were pleased that "All the princes of the provinces...regarded the Jews highly." That form of acceptance, to be sure, is not considered for legal purposes to have been compelled, and it is regarded as unqualified, for "one compelled by his own will is different [from one externally compelled]" – he assumes the obligation because he desires the reward and makes that decision willingly. But while the obligation entered into is binding, the exercise of genuine free will is still absent. Even one "compelled by his own will" remains compelled, and his action does not express the splendor of man as the Image of God.

After the passage of another several hundred years, Antigonus of Sokho was perfect in piety and he attained truth and thought the time had come to declare the end of the second phase of the nation's training. "He would say, 'Be not as servants who serve the master in order to receive a reward; rather, be as servants who serve the master not to receive a reward.' They understood him to mean thereby belief in the truth for its own sake, which they referred to as service on account of love." But the generation was not yet ready for that, and two students distorted the words of their master and set out in heretical directions: "They arose and distanced themselves from the Torah, and two dissident groups emerged from them – the Saducees and the Boethians [sic]."

Still, those epochs saw progress. The nation's elite rose to the highest levels, and even the simple folk registered the influence of generations of training in Torah. False ideas that had once been commonplace withered away. Throughout the First Temple period, the belief in idolatry remained a force to be reckoned with, notwithstanding the revelation of God's presence that pervaded the Temple. Even when believers in God predominated, belief in idolatry did not disappear totally; it continued to lurk underground, ready to burst forth at any opportunity. By the time of the Second Temple, that was no longer the case. The Men of the Great Assembly annulled the impulse to idolatry; a thousand years of Torah had left its mark on the people of Israel as a whole. The belief in idolatry became a thing of the past, removed from the hearts of all Israel, even the least of them. Even Zadok and Boethius could not displace the Torah from its central place in the nation's consciousness. The Torah became the mark of Israel's identity, and monotheism became the characteristic that distinguished it from other nations.

p. 6-7

The system of Torah and commandments is two-fold. On the one hand, it conveys concepts, instills eternal values, and directs people to the service of God at the highest levels and to the formation of a society worthy to be the bearer of God's presence. On the other hand, it encompasses legislation and commands to combat the forces of evil and destruction that erupt within the individual's soul and the nation's spirit and to ensure that the necessary conditions for spiritual development are satisfied to the greatest possible extent, given each generation's situation and the social, economic, and cultural circumstances prevalent at any given time and place.

For the first objective, the Torah places before us lofty goals that challenge and motivate the generations, for even the noblest of people cannot attain them in full. At the same time it establishes, for the second objective, criteria for conduct that people can, as a practical matter, accept minimum standards that must be met to avoid endangering the survival of the individual and the society in which he is placed and giving up all hope of spiritual uplift. We can illustrate the principle with three examples from the life of the individual, the society, and the nation....

pp. 7-8 [#1]

The beginning is instructive: "Male and female He created them" – one male and one female. "Therefore a man shall leave his father and his mother and cleave to his wife and they will become as one flesh" – man and wife, an eternal construct. The King of the universe so determined it, making it part of nature....

Prima fascia, one may ask why, if one who divorces his wife is despised, the Torah not only permitted divorce but enacted various positive and negative commandments related to it to be implemented in different situations for different couples. And if each man's mate is unique, why did the Torah permit polygyny? Without doubt, a permanent covenant is the desideratum, and it is that to which a man should aspire. But reality does not always correspond to our highest aspirations...

Indeed, emotions were refined over the course of generations; the sense of sanctity became widespread, and Jewish marriage became a model for the nations. As the values toward which the Torah instructs us became more firmly rooted, it became possible as well to enact additional legislation to raise the lowest threshold to a higher plane...

Indeed, emotions were refined over the course of generations; the sense of sanctity became widespread, and Jewish marriage became a model for the nations. As the values toward which the Torah instructs us became more firmly rooted, it became possible as well to enact additional legislation to raise the lowest threshold to a higher plane. For example, the Sages of the Talmud enacted remedial legislation that limited the opportunity for divorce – "so sending her out would not be taken lightly by him." And in the time of the rishonim (rabbinic authorities of the mid-eleventh through mid-fifteenth centuries), R. Gershom, Beacon of the Diaspora, saw that his generation was ready for a ban on divorce without the wife's consent and for eliminating polygyny, at least within the communities of Western Europe. By now, his enactments have spread through all Israel. Certainly the Sages instituted such enactments – yet they did not draw them out of thin air, but advanced the values already determined by Scripture. In the biblical era, however, the time was not yet ripe, and people were not yet ready, for the full realization of that vision. Only over time, as a result of training in the life of Torah, were people's hearts made ready and did it become possible to draw closer to the goal established by the Torah.

pp. 8-12 [#2]

A second example: "The original man was created a single individual in order to promote peace among the creatures, so no man could say to his fellow, 'my progenitor is greater than your progenitor'...[and] to declare the greatness of the King of kings, the Holy One blessed be He, for a man mints one hundred coins on a single mold and they all are identical to one another, but the King of kings, the Holy One blessed be He, mints every human being in the mold of primeval Adam, yet none is identical to his fellow. Accordingly, each can say, 'For my sake the world was created!'" Thus, from Creation itself the Torah teaches us that all men are truly equal. Maimonides read it as follows: "The mold of primeval Adam' – the form of the human species, within which lies man's humanity and in which all human beings share."

However, humanity went astray. Men subjugated one another and distinguished between slaves and masters... Yet the Torah recognizes the institution of slavery! On the one hand, there is no clearer declaration than the creation of but one man, whose mold is on the servant just as on his master; on the maid as on her mistress. On the other hand, Scripture states, "from them you shall purchase slave and maidservant...and they shall be your possession"! But it is an instance of the principle that Maimonides explained: "Out of concern over what the soul by its nature could not accept...God diverted them from the straight path that was the primary goal."... The leading thinkers among the nations could not conceive of a successful society without abundant bonded servants; as a matter of economics, it was simply impossible...

The Torah revolutionized the institution of slavery. Some fundamental principles could not be violated, and they set a floor that prevented descent to the vile conduct of the nations. So, for example, in contrast to the laws of other nations, the slave's soul did not become the master's property but remained that of the Master of all: "If a man strike his slave or his maidservant with a rod, causing death, the death shall be avenged."57...

But raising the status of the slave, subjecting him to commandments, and bringing him to a certain degree under God's wings gave rise to a particularly difficult problem, for once a slave had tasted of God's commandments, it would be unreasonable for him to return to idolatry. And so it was forbidden for his master to sell him to a gentile and even more so to restore him to full gentile status...

The halakhic acceptance of the institution of slavery was paradoxical, for despite the principled opposition to slavery, it was impossible legally to free a slave, for every act of emancipation entailed a degree of compulsion, and how could one become a Jew through compulsion?...

Once again we see that even though the Torah identifies no possibility of emancipation, the possibility was in fact implicit within the law, and the sages of blessed memory succeeded in revealing it. And just as a bill of emancipation is effective when the slave has suffered the loss of a principal limb, so is it effective in and of itself. Accordingly, the rabbis decreed that if a person utters emancipatory wording to his slave, "we require the master to write for him a bill of emancipation."...

... Rashi comments, "[the regime] had forbidden [emancipating slaves] because the practice was a Jewish religious precept." Was this "Jewish religious precept" an innovation? Of course it was; but it was born of and nourished by the Torah, and its origins are rooted in Scripture, though the world at the time of the Bible was not yet fit for it. Over the course of time, knowledge increased throughout the world, new scientific and technological discoveries produced sources of energy far mightier than human labor and opportunities for leisure grew. Divine providence then led to the abolition of slavery nearly everywhere. Blessed be God, who spread the light of His Torah, giving those who had strayed the intelligence to recognize the divine greatness imprinted on every human being! The abolition of slavery is simply a partial realization of the exalted ideal taught by the Torah; and the history of the West makes it clear beyond all doubt that one of the decisive factors in that process was the widespread knowledge of the Torah. This came about "to improve the world as a whole so it would serve God together, as Scripture says, 'For I will then turn the nations to clear speech, so they may call upon God's name and serve Him in unison.'"

pp. 12-13 [#3]

The final example bears on international relations. "R. Joshua said: Great is peace, for the name of the Holy One blessed be He is called peace, as Scripture says, 'And he called it "the Lord is peace."' "R. Simeon b. Halafta said: There is no vessel that holds blessing as does peace, as Scripture says, 'The Lord will grant strength to His people; the Lord will bless His people with peace.'" Our obligation is to "seek peace and pursue it."... "Nation will not lift up sword against nation nor will they practice war any longer."... But the Torah did not totally forbid war; indeed, it commanded certain obligatory wars and recognized certain permissible ones. How can we resolve the contradiction between establishing peace as one of the highest values, identified with the name of the Creator of the universe, and issuing explicit commandments related to war? And so the Sages declared: "Her ways are ways of pleasantness and all her paths are peace' – everything written in the Torah was written for the sake of peace. And even though wars are written in the Torah – they, too, for the sake of peace were written." In a cruel world where kingdoms strive against one another and man consumes his fellow alive, the law must necessarily provide that "If one comes to kill you, arise and kill him first."...

And the halakhah was decided accordingly: "War is not to be waged against any person in the world without first calling out to him in peace." All the commandments related to war were given in order to restrict the scope of warfare and to replace an attitude that glorifies war and its heroes with one that longs for peace.

p. 13

The Torah's 613 commandments fall into two categories. Some commandments are destined to endure, in their present forms, at the end of days; and as a person rises higher in character and intellect, he becomes aware of broader opportunities for fulfilling those commandments and understanding their meanings. But there are other commandments that are primarily a mechanism for bettering society and moving it toward the formation of circumstances that permit carrying out the purposes for which man was created – the Kingdom of Heaven on earth. These commandments apply only in certain situations, and our aim is to move beyond them, to a state in which we will no longer be bound to fulfill them – just as it is the practice, after the *halitsah* ritual, for "the judges [to] say, 'May it be [God's] will that the daughters of Israel not come to need *halitsah* or *yibbum*.'" We are not speaking here of commandments that from the outset were intended only for a particular time or place, such as the directives given to the Israelites in the wilderness with respect to their travels and their manna and water. Maimonides enumerated them and found that "more than three hundred commandments were given to Moses for that time only and not for all generations."

But when the judges pray that women will not come to need *halitsah*, they are referring to a commandment that binds all generations. And when we thank God for having rid the world of slavery, we firmly hope that the earlier situation will not recur and that the commandments regarding slavery will never again be of practical effect even though they, too, were commandments not given for a limited time only.

p. 14

That, in turn, raises two fundamental questions. One relates to the definition of "for all generations" in the context of the ninth of the thirteen principles of faith enumerated by Maimonides in his commentary on the Mishnah. The eternal nature of the Torah necessarily implies "that nothing will be added to it and nothing taken away, not in writing and not through explanation." None of the commandments will ever be annulled, "and one who says that the Creator exchanged one commandment for another or annulled this teaching...denies the Torah." If a commandment ceases to be practicable because times have changed, as have the circumstances on which it depends, can that commandment be said, God forbid, to have been annulled?...

A commandment is not considered to be removed from that category if it has come to an end because it has achieved its purpose, for it is not dependent on a particular time, and it applies in any generation where there exists the possibility of carrying it out...The killing and destruction of the seven [Canaanite] nations is something we were commanded to do. It is an obligatory war, and we are bound to uproot them and search them out in every generation, to the last person; as we did until their destruction was completed by David and their remnant was dispersed and assimilated among the nations, to the point of being unrecognizable. But the fact that they have already been eliminated does not make the commandment to kill them any less applicable to all generations.

p. 15

The second question is also one of principle, already considered in *baraitot* in the *Tosefta* that are cited in the Talmud. If a commandment lacks practical application, what is its use and why was it given? The *baraita* sharpens the question by suggesting that there are some commandments that have never been fulfilled and that, *ab initio*, were never intended to be carried out in practice. There are three commandments whose detailed descriptions in the Torah can shock and strike terror in the listener.

(1) "If a man should have a stubborn and rebellious son...

(2) Yet there is an even more frightening and unsettling passage, that of the wayward city...

(3) And sometimes the quality of stern justice affects even wood and stone. "How has the land sinned, that it is smitten? But the land is smitten on account of human sins, as Scripture says, 'A fertile land is turned into a salt waste for the wickedness of those who inhabit it.' ...And why are wood and stones and walls smitten? So their owners will see and repent.... Accordingly, the Holy One blessed be He warns them and smites their homes so they will repent, as Scripture says, 'I shall inflict a plague of *tsara`at* on a house in the land you possess.'"

These commandments are presented in detail in the written Torah, and the oral Torah supplements them with a multitude of additional rules and laws. Nevertheless, we have learned three surprising *baraitot*: "The stubborn and rebellious son never existed and never will exist"; "The wayward city never existed and never will exist"; and "The afflicted house never existed and never will exist."...

But if that is so, why were they given to us? "Why was it written? Expound and receive reward!" The fact that these rules appear in the Torah constitutes an important educational measure. "Expound and receive reward" – one who studies these laws cannot fail to be seized by fear and trembling and will almost certainly be so deeply influenced that some of the perversity in his heart will be cured. Indeed, the very act of engaging with these laws may have the capacity to open blind eyes and deaf ears, so that "all Israel will listen and be afraid." There is no need whatsoever for such nightmarish punishments to be carried out in the real world. The reward for studying them is their remaining forever theoretical and abstract. Schoolchildren who are aware of the laws of the stubborn and rebellious son will never become one...

Even if humanity has progressed and risen above the minimal level that certain commandments were given to ensure, continued study of the laws associated with those commandments can refresh the intellect and direct it to even higher levels, while preserving its existing accomplishments...

How powerful is Torah study? "It was taught in R. Ishmael's academy: My son, if a vile temptation befalls you, bring it to the study house. If it is as stone, it will be crushed; if it is as iron, it will be shattered, as Scripture says,



'Is not my word like fire, says the Lord, like a hammer that shatters the rock?' If he is stone he will be obliterated, as Scripture says, 'O, all who are thirsty, come for water' and 'the water wears away the stones.'" A nation that internalizes the Torah's ideas and values slowly builds up immunity against shameful seductions. Over the course of generations, students of Torah develop modes of critical thinking that can slice through issues, distinguishing illusion from reality, imaginings from truth, vain puffery from glorious responses to God's voice.

pp. 17-19

The *halakhah* was decided in accordance with R. Joshua b. Qorhah's view. "What is the judgment that incorporates righteousness? It must be mediation and it must be compromise. But when is that the case? Before judgment is rendered, even if the judge has heard both sides and knows in which direction he is tending, it is a commandment to split. But once he renders judgment and says, 'X, you are free of liability' and 'Y, you are liable,' he is no longer permitted to reach a compromise between them, but let justice pierce the mountain." In the clash between two exalted values-truth and justice on the one hand; peace and righteousness on the other – which is to be preferred? R. Eliezer saw the directive to judge as absolute; accordingly, he would allow the judgment to pierce the mountain. But in R. Joshua's view, the commandment that the judges adjudicate between their brethren is not an end in itself but a means to attain the more exalted goal of bringing peace to the antagonists...

The punishments that may be imposed by a court are many and varied. The Torah subjects various offenders to fines and corporal punishment and even specifies capital punishment for a substantial number of offenses. Each of the four types of capital punishment entails a positive commandment – "the command we were given to kill those who transgress certain commandments...."

But we learn as well that "a Sanhedrin that executes one in seven years is called draconic. R. Elazar b. Azariah says, one in seventy years. R. Tarfon and R. Akiva say, Were we in the Sanhedrin, no one would ever have been executed. R. Simeon b. Gamaliel says, They would have increased the number of shedders of blood in Israel."...

But how can there be a pledge that no one would ever be executed by the Sanhedrin? R. Yohanan and R. Elazar explained what R. Tarfon and R. Akiva meant. The Torah requires that the witnesses be thoroughly cross-examined. Some questions must be asked, but others, though they need not be asked, will still disqualify the testimony if, once asked, they cannot be answered. For example, "Did you see if the victim was already mortally wounded? Or was the victim unhurt [before being attacked by the accused]? R. Ashi said: If he is able to say that the victim had been unhurt, perhaps the victim had [nevertheless previously] been wounded at the site where the [accused's] sword [pierced him]." The murderer is not subject to capital punishment if he killed a person likely to die imminently because of a preexisting wound or illness, but the presumption is that the victim had been healthy and unhurt. Accordingly, the witnesses are to be asked how they know the victim was healthy and unhurt, given that he might previously have been wounded at the very point on his body pierced by the assailant's sword.

They will be unable to answer, for it is inconceivable that they would have examined the victim previously at precisely the point pierced by the sword. And because they have no answer, their testimony is voided and the murderer will not be executed.

It thus appears that beyond all the detailed laws governing the operation of the court, and beyond the commandments that obligate the judges in their deliberations, there remains room for "penal policymaking," on which R. Simeon b. Gamaliel disagreed with R. Tarfon and R. Akiva. They believed it preferable to avoid capital punishment totally, while he was concerned that without the deterrent effect of capital punishment – even if very rarely imposed – shedders of blood would abound in Israel. Accordingly, capital punishment should not be ruled out totally, and its deterrent effect must be taken into account, even though extensive deliberation must be had before imposing a capital sentence and great care must be taken to avoid acting hastily. The view of R. Tarfon and R. Akiva can be understood in two ways. They may have believed that humanity had already improved to the point of no longer needing a deterrent and that the incident in question was exceptional, unlikely to recur. Alternatively, they may have been persuaded that capital punishment no longer served as an effective deterrent, in which case there would be no point to the judicial shedding of blood...

this should not be seen as an act of despair. The *Talmud Yerushalmi* recounts: "It was taught: Forty years before the destruction of the Temple capital jurisdiction was taken away, and in the days of Simeon b. Shetah [some texts: Simeon b. Yohai], monetary jurisdiction was taken away. R. Simeon b. Yohai said, Blessed is God, that I know not how to judge!" Why would R. Simeon b. Yohai utter praise and thanksgiving over the revocation of authority to adjudicate in accordance with the Torah?...

Even though the judgment legislated by the Torah was not thereby carried out, as a practical matter the Torah's higher goal – a judgment of peace – was achieved. What we have here, then, is not annulment of the commandments related to judges, but elevation of the judicial process to a higher level.

p. 20-23

A great Torah authority of the preceding generation nicely treated these matters in his observations on the rabbinic comment that divided world history into three epochs—the era of chaos, the era of Torah, and the days of the Messiah. The rabbis added that the Messiah was born on the day the Temple was destroyed, implying that the days of the Messiah had begun then. But how could that be? R. Henkin answered, "It is the Messiah's task to instill a spirit of understanding and fear of God and to discipline verbally, without a need for corporal punishment (see Isaiah 11). That the days of the Messiah began at the destruction of the Temple... means that Israel began to accept the governance of the Torah without bow or sword. The annulment of capital jurisdiction that resulted from the Sanhedrin's exile to the market place, and the annulment of monetary jurisdiction that resulted from the abolition of rabbinic ordination (in the talmudic sense), may have been brought about by God, may He be blessed, as preparation for the days of the Messiah, so that people would annul their impulse to spill blood, just as the impulse to idolatry had already been extirpated from their hearts."...

The Torah severely limits the imposition of punishment, subjecting it to all manner of preconditions that constrain the judges.... There is considerable tension between, on the one hand, the halakhah's demand that we fulfill the requirement of "the community shall rescue" the accused and, on the other, the drive "to break the hand of wickedness"; and it is the latter interest that appears to lose out. In one of his responsa, R. Solomon b. Adret (*Rashba*) depicted the situation in all its intensity:

For if you allow all to depend on the laws specified in the Torah, doing nothing but what the Torah provides with respect to the infliction of injuries and so forth—the world would be destroyed, for everything would require witnesses and admonition. As the sages of blessed memory said, Jerusalem was destroyed only because they based all their judgments solely on the specifications of Torah law....

Three distinctions, all based on a single principle, can be drawn between laws of the Torah and laws instituted to restrain conduct. The latter differ from the former in that (1) they are temporary; (2) their purpose is evident to all; and (3) they are premised on the community's acceptance:

(1)"When the court sees that the populace has strayed in a particular manner, they should institute restraints and reinforce proper conduct, as they see fit – a step taken in view of the exigencies of the situation, and not intended to establish permanent law."

(2)"Not to violate the Torah but to erect a fence around the Torah."...

3)"Specifically the great authority of the age...or the selectmen of the town *whom the masses have recognized as authoritative*, but not just any judge.".....

At first blush, this is startling. On the one hand, the authority to restrain conduct is derived from the Torah, which grants that right "to the court at each place and time to impose corporal punishment..." On the other hand, their power is effective only when "the masses have recognized them as authoritative." If the Torah is the source of the authority, why must the community recognize them?...

In fact, the source is the Torah; without the authority that flows from it, the court would be powerless to act. That was true even when courts comprised rabbis who had been ordained in the talmudic sense; it is even more so today, with that chain of ordination long since broken. But we are considering cases in which the benefit and protective effect of the ruling must be clear to all....

There is an ongoing tension between aspiring to the Torah's social ideal of undisturbed peace and recognizing reality, with its very real need to do battle against the dangerous manifestations of a few undisciplined evildoers...

Scripture and the Talmud suggest that in the time of the kings, there was an additional mechanism for securing justice. "A king is appointed in the first instance only to do justice and make war, as Scripture says, 'And our king will judge us and will go before us and fight our wars.'" Doing justice is thus the first obligation of the king, and the people therefore requested that one be appointed and even undertook the onerous obligations to the king spelled out in the Torah's consideration of the monarchy... The king's juridical authority is confined to interpersonal (i.e., non-ritual) matters, where he can act to remedy society through righteousness and judgment. But this authority is rooted as much in the consent of the nation as in the king having been chosen by God's prophet.

p. 25

We have seen that there existed in Israel two parallel sources of authority for legislation and adjudication. One was the Sanhedrin and the courts subject to it; the other was the King and his appointees. "A king – over whom no man in Israel has authority and above whom in his dominion is only the Lord his God." The king represents the nation as a whole and its independence; "his heart is the heart of the entire congregation of Israel." His virtue is the "virtue of dominion," in contrast to the Sanhedrin, whose virtue is the "virtue of Torah scholarship, that is, the academy." "The wisest of all of them is appointed their head and he is the leader of the academy, and he is referred to by the sages everywhere as the *nasi*, and he stands in the place of Moses our teacher." Some of the *rishonim* considered the question of how these two sources of power differ. What jurisdictions are dealt with primarily by the king and what by the Sanhedrin? As explained above, there is a degree of overlap between the two authorities, at least with respect to constraining conduct to establish a fence around the Torah. It is clear that over the years, circumstances wrought changes in how the two authorities operated. Some believe that when the monarchy was abolished, its power was transferred to the Sanhedrin. On the other hand, both attributes – dominion and Torah scholarship were initially combined in Moses our teacher.

p. 30

We have already seen that the Sanhedrin and Torah sages strove mightily to avoid compulsion and punishments in their judgments. But for the sake of sound governance, an adjudicatory system was activated, when needed, that drew its authority from communal consent as well, and it could be used to repair breaches and advance the common good. That system was identified more with the law of the monarchy and government than with the Sanhedrin and its application of the Torah; still, it could not be activated without communal acceptance of and consent to all adjudicatory and legislative activities. But there remains a difference in principle between a court that imposes corporal and other punishment other than in accordance with Torah law and a monarchy that does so, even though both are acting to constrain activity to create a fence around the Torah and both require communal consent.

p. 30-32

Maimonides saw a possibility that Jewish independence might be restored even before the appearance of the Messiah, by establishing a government along the lines of that in Second Temple times. In such circumstances, he believed, the people, if they wished, could appoint a non-Davidic king, who accordingly could not be a possible Messiah...

Several practical conclusions flow from the foregoing consideration, and they may be summarized as follows:

- (1) The founding of the State of Israel and the establishment of an independent nation of Israel on its land, even before the future complete redemption, are events anticipated by *halakhah*...
- (2) There must be a separation between the political authority – the Knesset and government – and the Torah authority. Not separation of church and state in the American sense, but separation between the jurisdictions exercised by the two authorities.
- (3) The Knesset should deal solely with matters related to the improvement of society, the arrangement of relationships among citizens, and matters of security and foreign affairs...
- (4) All questions of Torah and procedures for deciding on matters between man and God are within the sole province of the Torah authorities...
- (5) The Torah authority should never use compulsion, except with the consent of the community that accepted it as authoritative and granted it that power...

p. 32-34

Our age is characterized by the widespread view that individual liberty is a value greater than any other human need. There is much that is good about that phenomenon, for only one who values free choice can come to recognize how that choice should be used to advance lofty spiritual goals. And even though our generation compares poorly to its predecessors with respect to faith and religious observance, its deepening sense of individual liberty represents definite progress over past achievements. Until modern times, there prevailed an authoritarian worldview, which regarded discipline as the highest value. Today, liberty enjoys the highest priority. Only a person conscious of his power to choose can act entirely out of free will...

The Torah's conception of the world is built on the other elements as well, but the principle of choice is the pillar that supports the entire magnificent structure of Torah and commandment. The more profound and vital the experience of choice, the more complete the Tselem Elokim that resides in man. Today, there are many who are motivated more by liberty than by any prospect of reward or punishment...

In educating a child, one proceeds gradually, from fear of punishment to appreciation of reward and beyond, step by step. The parent's efforts are accompanied by a firm belief that at the conclusion of the long process, when the child attains the age of maturity at which his or her free will can be effectuated, he or she will choose the good and the true for its inherent value and not merely because of external considerations. That belief reflects the faith of the Holy One Blessed be He, "Who believed in His world and created it," and that faith is the fulcrum for all of history. It appears that our generation is nearing the state of national maturity, the age at which the human soul recoils from anything imposed on it against its will, and there is no better guarantee that humanity is on the threshold of the great era in which the Image of God within it will appear in all its glory. Their powerful hope that the entire nation was progressing toward these heights led our Sages of blessed memory to regard each restriction on the power to compel as a step toward preparing the world to accept the kingdom of heaven. Accordingly, they consciously renounced the authority to enforce the rules and commandments of the Torah. Today, proponents of the Torah and teachers of the nation face a two-fold challenge. On the one hand, they must recognize the great value of a generation impelled by a longing for liberty; on the other hand, they must sense the power of the brilliant light concealed within the Torah, which could penetrate every dark corner and awaken every heart to truth, if only allowed to burst forth into the world. One who is unsettled by this two-fold challenge, one who is frightened by the way of the faithful God, one who fears that the pillar of Torah and commandment has been shaken and who lacks confidence in his own free choice – such a person will long for the days when the people were willing to subject themselves to judges who would base religion on compulsion.

But one who is familiar with the present generation's struggles and who has experienced with them the discovery affecting the deepest recesses of the soul – the discovery that individual freedom is the factor without which there is no sense to life – such a person will see that the task is to distill the wine of Torah...

God's kindnesses overpower us. We now can illuminate Him as He illuminated us. The nation returning to its land has the capacity to renew the eternal covenant through its own free will, and now only the personal example of faithful adherents of the Torah can exert influence and cause the Torah to be spread throughout all segments of the nation.

**8. What is “*Emunat Hakhamim?*,” *Hakirah 5* (2007) (originally published in *Ma’aliyot 17*, 1996), pp. 37-38**

Thus, the roots of *emunat hakhamim* are in wisdom. The *hakhamim* were masters of wisdom; therefore a person of wisdom can plumb the depths of their words and extract their true meaning. Concerning this, the Gemara in *Bava Batra 12a* states, “*A wise person is greater than a prophet...Rav Ashi says, this fact can be seen when it happens that a great person issues a ruling, and then it is learned that a halakhah consistent with his ruling was given [by prophecy] to Moshe from Sinai.*” Rav Ashi was asked, “*Perhaps it is like a blind person [who finds his way out] via the arruba<sup>1</sup>?*” i.e., that it happened by chance. They answered, “*Did he not give a reason?*” Since he gives an acceptably logical reason for what he said, it is not like a blind person who chanced upon the opening to let himself out. He arrived at the correct answer by using his powers of reasoning, and he merited that his understanding conforms to “the halakhah of Moshe from Sinai.”

*Emunat hakhamim* thus has two parallel planes. On the one hand is the faith that the words of our Sages contain deep significance and truths that are worth seeking out. On the other hand is faith and self-confidence that with one’s G-d-given mind it is possible to comprehend the wisdom hidden in the words of the Sages.

p. 40

Since the wisdom of Torah is unlike the study of mathematics, there is room for opposing opinions. One *hakham* sees one aspect prevailing, while a second sees the opposite. It is clear, however, that both sides justify their position on recognized principles and criteria. To this person, a particular component carries more weight, while to the other, it carries less. Therefore, even one who disagrees with a certain *hakham* still has *emunat hakhamim* that the words of this *hakham* are not meaningless, Heaven forbid, and he works at understanding the *hakham’s* imperatives and reasoning. This applies towards scholars sitting together and debating in a *beit midrash*, and most certainly towards established *hakhamim* of previous generations who have already been accepted among us. This idea is

Thus, one who consults even an outstanding *rav* is considered negligent if he does not attempt to clarify and confirm that the *psak* he received is indeed correct. This is how great is each individual's responsibility for his actions; this is how effectively he must clarify the correct ruling, as well as what *Hashem* expects of him in each situation.

We can conclude from all this that *emunat ḥakhamim* is indeed an exalted attribute, but one that is quite difficult to achieve. It is not found in those who are lazy, who wish to relieve themselves of the burden of study. True *emunat ḥakhamim* obligates one to delve deeply to find the reasoning behind the *ḥakhamim's* words while at the same time requiring the student or inquirer to be critical and to investigate rigorously, in order to verify that there is no room for dissent. Certainly there exists justification for their words; we still need to determine if they are to be actually carried out, הלכה למעשה.

Recently, some have begun applying the term “*emunat ḥakhamim*” to something else entirely, something that *Ḥazal* never discussed—that *ḥakhamim* also have prophetic authority in *divrei resbut*.<sup>12</sup> We are not talking about asking advice of those who are experienced and wise in Torah, whose righteousness, Torah knowledge and brilliance provide good guidance and sound advice. It is surely good for any person to seek advice from those who are greater and better than he. But there is a difference between asking advice and taking personal responsibility for one's actions, and relying on others with absolutely no independent thought. There are those who label such childish behavior as “*emunat ḥakhamim*” while in reality it is a distortion of this great attribute. Instead of acquiring true Torah, those who cling to this distorted “*emunat ḥakhamim*” distance themselves from the light of the Torah and are ultimately incapable of distinguishing between right and wrong.

**9. R. Nahum Rabinovitch, “Chametz and Matzah: A Halakhic Perspective,” *Tradition* 7.4/8.1 (1965)**

Pp. 79-80

***INDEPENDENCE AND SUBORDINATION***

**The mighty drama of the exodus serves as the focal point of Jewish history and inspiration. Jews were redeemed from Egypt to become “holy men,” holy in their humanity and human in their holiness. By reliving the events of the exodus every Passover we reopen the channels of divine inspiration flowing from the great redemption. The relevant commandments exemplify the ideal of “human holiness.” The commandments of *Chametz* and *Matzah* — negative and positive together — are the hub of the Passover observance.**

**The removal of external restraints does not yet constitute free-**

dom. True freedom is a state of mind, an awareness of independence and self-sufficiency. Abstention from bread, a major element of diet, not just for a day or two, which might be only coincidental, but for over a full week, cultivates and affirms the personal sense of freedom. The power to grant or withhold bread has always been the oppressor's major tool of enslavement. Only he can be truly free, whom even bread does not hold in its thrall. For this reason the Torah makes the commandment of *Chametz*, in a sense, the very touchstone of Jewish identity. "If any one eats what is leavened, that person shall be *cut off from the congregation of Israel*, whether he is an alien or a native of the land" (Exodus 12:19).

On the other hand, complete independence must be balanced with subordination to Him Who is alone the Fountain of life. "Unleavened bread shall be eaten for seven days . . . And you shall tell your son on that day, 'It is for this that the Lord did for me when I came out of Egypt' " (Exodus 13:7-8). *For this — that I might eat Matzah . . .*

Through obedience to God's dictate to eat the "bread of poverty," we acknowledge and express our submission to the Master of all.

p. 87-88

Is it not remarkable that whereas the *Mitzvah* of eating *Matzah* can be fulfilled without intent even under duress, the preparation of the *Matzah* must be a purposive process? However, this is only another illustration of the fact that the primary end of some of the mandatory commandments is not their effect on the world (or on the things utilized in the performance); rather their object is the subjugation of man to God. Yet *Mitzvot* have also another aim — to foster the growth of an independent human personality. It is this independent human being that the Almighty seeks as a partner (not just a servant) in the work of creation. Mere physical acts cannot be the human contribution to that partnership.

It is within the power of man to create "*Mitzvah*-objects," to endow material things with the quality that makes them fit for the performance of the commandments. This quality transcends

their physical characteristics. It has its source in man's consciousness, it is rooted in man's volition and cognition together, it originates in human design and intent. In the case of *Matzah* it is what we call *Shemirah*, a combination of dedication to the *Mitzvah* and precaution lest it become *Chametz*.