

## Chapter Three

### A Constant Guest: The Maimonideanism of *Halakhic Man*

#### Introduction

I remember when I was growing up I was a frightened and lonely boy. I was afraid of the world. For me, the world was a cold and strange place. I imagined that everyone was mocking me. But I had one friend; do not laugh at me, it was the Rambam [Maimonides]. How did we become friends? Simply, we met. Maimonides was a constant guest in our home. During the days when my father was a newlywed, supported by my grandfather, the pious Gaon Rabbi Elijah Feinstein of Pruzhana, father studied Torah day and night. A small group of outstanding young scholars gathered around him and eagerly absorbed his teachings.

My father studied with his disciples in the room where my bed was located. My wont was to sit on my bed and listen to my father's words. He constantly quoted Maimonides. His method was to first open the Talmud and analyze the text under discussion and the relevant commentaries. He would generally say: "These are the explanations of Rabbi Isaac of Dampierre and the other authors of Tosafot. Now, let us analyze the explanations of Maimonides...[for] the Rambam decides the halakhah..."<sup>1</sup>

Of the three modern Jewish thinkers discussed in these chapters, Joseph Soloveitchik's claim as the rightful heir to the Maimonidean legacy is the most immediate and the most recognized. His father (R. Moshe Soloveitchik [1879-1941]) and grandfather (R. Chaim Soloveitchik [1853-1918]) saw themselves as heirs to Maimonides' insistence on the importance of both secular and Torah studies for an authentically Jewish life, and they passed on this inheritance to their progeny. We see this heritage honored in the very name Maimonides School, the name of the Jewish high school Soloveitchik founded in suburban Boston. Unlike Leibowitz and Hartman, however, Soloveitchik never devoted a work to fully explicating his Maimonideanism. Instead, Soloveitchik wove Maimonides seamlessly into his writings.

No work of Soloveitchik is more Maimonidean than *Halakhic Man*. Whereas the previous thinkers discussed in our thesis consciously re-worked Maimonides to fit their own purposes, Soloveitchik's Rambam rests more lightly, more effortlessly in his compositions.

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<sup>1</sup> *The Rav: The World of Rabbi Joseph B. Soloveitchik*, ed. Aaron Rakeffet (Hoboken, NJ: KTAV, 1999), 247-49

Although Maimonides appears to be of a piece with his own philosophy in *Halakhic Man*, Soloveitchik does not recoil from disagreeing with his master: on the matter of the *piyyutim* (liturgical poems set apart from the standard prayer service), Maimonides rules that they are to be avoided because “they predicate of God qualitative attributions that, if predicated of a human individual, would designate a deficiency in him...”<sup>2</sup> Soloveitchik argues, on the contrary, that during the Days of Awe the *piyyutim* serve as praises to “divine mercy and grace...when our entire existence thirsts for the living God,”<sup>3</sup> thus obviating, for the time, the prohibitions against attributing positive qualities to God. Maimonides had insisted, in *Guide* 1.51-1.60, that positive attributions have no merit, and are religiously irrelevant. Nevertheless, disagreements, at least explicit disagreements, with Maimonides are rare in *Halakhic Man*.

This chapter focuses on the neglected second part of *Halakhic Man*. The revolutionary first part, with its argument that halakha is a quasi-scientific model for empirical study, has deservedly received the lion’s share of attention.<sup>4</sup> But it does not concern us, except peripherally. The preponderance of Maimonideanism in *Halakhic Man* surfaces in the second part, centered on five interrelated themes: creation, repentance, time, divine providence and prophecy. We will argue that Soloveitchik—in the virtual, and stunning, absence of critical literature regarding Soloveitchik’s adherence to or deviance from Maimonides<sup>5</sup>—blends the Rambam into *Halakhic Man* with meticulous indirectness (e.g., direct quotation without comment), leaving it up to the scholar to tease out the Maimonidean implications of his work. Although generally solidly Maimonidean, points of conflict do arise (e.g., creation) between Soloveitchik and Maimonides and it will be necessary to unpack those sites of divergence.

### Creation

The concept of creation in *Halakhic Man* does not touch heavily on the medieval concerns regarding creation; that is to say, the actual, physical creation of the world. In the second book of the *Guide* Maimonides discusses the various philosophically vexing opinions concerning creation advanced by the Law (God creates matter ex nihilo), Plato (God creates the world from a pre-existent and co-eternal matter) and Aristotle (the world is not created, but

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<sup>2</sup> *Guide* 1.59, 141

<sup>3</sup> Joseph Soloveitchik, *Halakhic Man*, trans. Lawrence Kaplan (Philadelphia: Jewish Publication Society, 1983), 58

<sup>4</sup> Elliot Dorff’s “Halakhic Man: a review essay,” Reiner Munk’s *The Rationale of Halakhic Man* and David Hartman’s *A Living Covenant* are prominent examples.

<sup>5</sup> Hartman’s *Love and Terror in the God Encounter* (2002), a book length study of Soloveitchik, devotes only fifteen pages (81-96) to the second part of *Halakhic Man*, and even then offers only a cursory summary, with extensive quotation.

eternal).<sup>6</sup> For Soloveitchik, on the other hand, the created status of the world is not simply a metaphysical fact, but also has normative consequences. He writes, without referencing Maimonides or concerning himself with Plato or Aristotle, that “Judaism affirms the principle of creation out of absolute nothingness.”<sup>7</sup> The external trappings of creation and the disputes about the nature of the world and the heavens that exercised Maimonides and the medievals shifted to the interior in modern Jewish thought, as the Aristotelian worldview no longer remained tenable.<sup>8</sup> Whereas Maimonides places the preponderance of his emphasis on teasing out the metaphysical implications embedded in the physical creation of the world (whether *ex nihilo* or otherwise)<sup>9</sup>, Soloveitchik appears to contradict the Rambam when he maintains that

if the Torah spoke at length about the creation of the world and related to us the story of the making of heaven and earth and all their host, it did so not in order to reveal cosmogonic secrets and metaphysical mysteries but rather in order to teach *practical* halakhah. The Scriptural portion of the creation narrative is a legal portion, in which are to be found basic, everlasting halakhic principles, just like the portion of *Kedoshim* (Lev. 19) or *Mishpatim* (Exod. 21). If the Torah then chose to relate to man the tale of creation, we may clearly derive one law from this manner of procedure—viz., that man is obliged to engage in creation and the renewal of the cosmos.<sup>10</sup>

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<sup>6</sup> Maimonides lays out the three opinions regarding creation beginning in *Guide* 2.13

<sup>7</sup> Soloveitchik, *Halakhic Man*, 102. Soloveitchik wrote *Halakhic Man* in Hebrew (*Ish ha-halakha*), and it was published in 1944.

<sup>8</sup> In the *Guide*, Maimonides maintains that since there is no scientifically verifiable manner in which to discover the origins of the world, he sides with the Torah. See Herbert Davidson, “Maimonides’ Secret Position on Creation,” *Studies In Jewish Medieval History and Literature*, ed. Isadore Twersky (Cambridge, Mass.: Harvard University Press, 1979)

<sup>9</sup> Maimonides, in 2.13, appears to accept the traditional view of creation out of nothing, yet he suggests later that the Platonist position that the world was formed from preexistent matter is permissible. In 2.25 Maimonides writes: “If, however, one believed in eternity according to the second opinion we have explained—which is the opinion of Plato—according to which the heavens too are subject to generation and corruption, this opinion would not destroy the foundations of the Law and would be followed not by the lie being given to miracles, but by their becoming admissible. It would also be possible to interpret figuratively the texts in accordance with this opinion. And many obscure passages can be found in the texts of the *Torah* and other with which this opinion could be connected or rather by means of which it could be proved” (*Guide* 2.25, 328-29). This seemingly unacceptable incongruity—that the opinion of Plato has validity along with the opinion of the Law—has bothered, for good reason, many scholars of Maimonides. The best suggestion, or at minimum most plausible, that I have read is put forth by Seeskin: “Why, then, does he allow people to believe the Platonic view? I submit that the answer has less to do with esotericism than with human psychology: The imagination balks at the idea of creation *ex nihilo*. Since it is tied to material things, it cannot conceive of creation except as a causal process that involves an agent and a patient. . . Recognizing that not everyone would be able to accept creation *ex nihilo*, but wanting to preserve a workable idea of creation and a respect for rabbinic interpreters, Maimonides himself makes a concession: Though Platonism may not be correct on every point, it does not do serious damage to the biblical text and it preserves the idea of divine volition.” Kenneth Seeskin, *Searching for a Distant God: the legacy of Maimonides* (New York: Oxford University Press, 2000), 86. Seeskin’s book stands as the best introduction to Maimonides, at least in English.

<sup>10</sup> Soloveitchik, *Halakhic Man*, 100-01

The world of creation for Maimonides, then, achieves importance through the universal philosophic principles it underwrites: the notion of a First Mover, the orderly, and therefore philosophically ‘good,’ motion of the stars and planets, et al. The relevance of creation for the modern Jew,<sup>11</sup> according to Soloveitchik, centers on the notion of self-creation and man as partner with God in creation “from within [the] narrow, constricted ‘four cubits,’ hands soiled by the gritty realia of practical Halakhah.”<sup>12</sup> Creation has moved from a distinct objective matrix in the *Guide* to a focus on the subjective element in creation; that is to say, the consequence or result of creation: man, particularly in his role as facilitator for further creation. In fact, Soloveitchik’s thorough re-working of the concept of man as creator extends so far as to call the creative man—creative in Torah application (*hiddushei Torah*), of course—“*borei olamim*,”<sup>13</sup> a term traditionally reserved to God alone.<sup>14</sup> The significance of this should not be overlooked, for perhaps Soloveitchik here suggests that positing man as creator is a new way, a new language, for conceptualizing *imitatio Dei*, instead of the hoary view of imitating God’s attributes of action (mercy, kindness, etc), to walk in His ways.<sup>15</sup> For Maimonides, *imitatio Dei* focuses on ways of detaching oneself from the corruptions of matter. Why is this so? “In a nutshell,’ Kenneth Seeskin maintains, ‘the reason is that Maimonides accepts enough of the Platonic worldview to regard earthly matter as the source of evil and sees *imitatio Dei* as a way of freeing ourselves from the ties of matter. We saw that acts like a dark veil that prevents us from apprehending immaterial things as they really are and causes all acts of disobedience.’”<sup>16</sup> The *Guide* stresses that the *mitzvot* exist solely to “quell the impulses of matter,”<sup>17</sup> impulses that blind men to reality and obstruct any imitation of God. Thus, continues Seeskin, “*imitatio Dei* is a process of purification by which the soul transforms itself from an earth-centered existence to a heaven-

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<sup>11</sup> Important to keep in mind is the fact that all moderns, including Jews, are at two scientific removes from the Aristotelian conception of the universe, as we passed through the secular, mechanized universe of Newton to, at present, the instabilities of an Einsteinian world.

<sup>12</sup> Soloveitchik, *Halakhic Man*, 4

<sup>13</sup> *Borei olamim* means creator of worlds.

<sup>14</sup> Soloveitchik points to examples (page 101) of man-made creation in the Talmud in order to demonstrate that man is “*borei*” as well. In *Sanhedrin* 65b, Rava is said to have created a man and Rabbis Hanina and Oshia, after studying the *Sefer ha-Yetzirah* on erev Shabbat, created a calf. Two humble rabbis on the questions of genetics and cloning millennia before they arose in the modern West!

<sup>15</sup> See tractate *Sotah* 14a: “What does the text ‘You shall walk after the Lord your God’ mean?...The meaning is to follow the attributes of the Holy One...as He clothed the naked, so do you clothe the naked; as He visited the sick, so do you visit the sick; as He comforted mourners, so do you comfort mourners; as He buried the dead, so do you bury the dead.”

<sup>16</sup> Seeskin, *Searching for a Distant God*, 96

<sup>17</sup> *Guide*, 3.8, 433

centered one. Since our grasp of the heavens is limited, the process is also one in which the soul comes to accept its own insignificance and to abandon any form of self-promotion or self-assertion.”<sup>18</sup> Soloveitchik, of course, insists on the self-assertion of the creative man. Halakhic man partners with God, through the halakha, “in the renewal of the cosmos,”<sup>19</sup> to fix the cracks in creation. If this is so, then Soloveitchik’s picture of Jewish philosophical life once more frustrates the Maimonidean worldview. This naturally does not deny the influence of Maimonides, but merely complicates the matter.

Creativity, the area of actionable space where creation occurs, is so central to *Halakhic Man* that Soloveitchik asserts that “the most fundamental principle of all is that man must create himself. It is an idea that Judaism introduced into the world.”<sup>20</sup> Conversely, Hermann Cohen (1842-1919), another major influence on Soloveitchik, insisted that ethical monotheism was the idea that Judaism bestowed upon the world, that man’s singular aim was ethical perfection and through that perfection we come to know God.<sup>21</sup> While both Soloveitchik and Cohen saw action as primary in Jewish life,<sup>22</sup> the former understood it taking place within the limits of halakha and the latter, who dispensed with *halakhot* when they did not meet the standards of ethical universalism and who understood action as taking place in the social sphere. In Christianity, the role of human creativity, writes Zvi Kolitz, has troubled thinkers from the Early Fathers to Aquinas and Ockham to the present. Pascal, for example, “was tormented all his life by the question of whether the individual human factor has any creative role in the Christian domain. Pascal’s great problem was whether the initiation of the religious relationship is placed entirely in God or ‘whether man’s creativity is called upon.’”<sup>23</sup> But the worries of a brilliant Jansenist are not the worries of Soloveitchik. Man as creator, his halakhic creativity, does not trouble him.

The material aspect of human creation consists of rectifying defects in Creation. During the creation of the world, God left some of His work undone so that man would complete it.

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<sup>18</sup> Seeskin, *Searching for a Distant God*, 100

<sup>19</sup> Soloveitchik, *Halakhic Man*, 105

<sup>20</sup> *Ibid.*, 109

<sup>21</sup> For Cohen, however, God is not the commanding God of Sinai. Instead, God is known through ethical action; He has no independent standing outside of His creatures.

<sup>22</sup> Cohen, before Soloveitchik, asserted that man is a self-creator, as when he writes on repentance: “A turning away from sin is possible. Man can become a new man. This possibility of self-transformation makes the individual and I. Through his own sin, man first becomes and individual. Through the possibility of turning away from sin, however, the sinful individual becomes the free I.” Hermann Cohen, *Religion of Reason Out of the Sources of Judaism*, trans. Simon Kaplan (Atlanta: Scholars Press, 1995), 193

<sup>23</sup> Zvi Kolitz, *Confrontation: the existential thought of Rabbi J.B. Soloveitchik* (Hoboken, NJ: KTAV, 1993), 5

“The Creator, as it were, impaired reality in order that mortal man could repair its flaws and perfect it.”<sup>24</sup> Halakhic man renews creation by means of his creative implementation of the Law. His most profound thoughts concentrate on actuating the ideal halakha in the real world, of bringing the transcendent world of Jewish law into the “gritty realia” of actual Jewish law. In the section on creation, Soloveitchik points to the blessing over the new moon as an act of restorative halakhic creativity. The wax and wane of the moon are signs of the world’s imperfections and their replenishment. This merges, according to Soloveitchik, the scientist and the halakhist, as his use of Maimonides demonstrates: “The very court which would make its astronomical calculations ‘in the same manner as the astronomers, who discern positions and motions of stars, engage in calculations,’ would go outside and recite a blessing over the new moon.”<sup>25</sup> The calculations needed to discover the date and time of the new moon’s arrival yokes together Jewish legalism and scientific accuracy. Thus the calculations are one “of the many branches of the Law.”<sup>26</sup> When the phase of the moon is dark, or quarter or half-full, then chaos overwhelms creation. Matters are only set aright when the moon becomes full again, and its fullness acknowledged by and through the halakha. Soloveitchik further links up, metaphorically, the replenishment of the moon with the perfection of the Jewish people. He quotes from the blessing over the new moon: “He bade the moon renew itself for those who were burdened from birth, who like her will be renewed and will extol their Creator on account of the name of His glorious kingdom.”<sup>27</sup> Creation’s cracks will be sealed when chaos and the void (whether because of a darkened moon or the darkened “spiritual-historical”<sup>28</sup> fact of exile) collapse—and in their place, the restrictions of the Law that will buffer against chaos and void. Though Maimonides did not employ such existential language, he too believed that the Law ordered, and re-ordered, the cosmos to fit Divine Law. Both Soloveitchik and Maimonides, though separated by centuries, perceive in the blessing over the new moon the actual structuring of the world through Law. The elegance of order, of creation and stability out of chaos and flux and the beauty of fullness unite the disciple Soloveitchik and the master Maimonides.

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<sup>24</sup> Soloveitchik, *Halakhic Man*, 101

<sup>25</sup> *Ibid.*, 106. The Maimonides quote comes from M.T. Laws of the Sanctification of the New Moon 1:6.

<sup>26</sup> M.T. Laws of the Sanctification of the New Moon, 19:13

<sup>27</sup> Soloveitchik, *Halakhic Man*, 107

<sup>28</sup> *Ibid.*

## Repentance

The meaning of Soloveitchik's normative account of creation receives its fullest treatment in his discussion of repentance (*teshuvah*), the ultimate act of self-creation, or, more accurately, self re-creation. He harnesses the ancient concept of repentance to the modernist enterprise of self re-creation, both of which are triggered by an "absolute decision of the will and intellect together."<sup>29</sup> In repentance, the sinner, the transgressor against God's *mitzvot*, sheds his old skin, and through repenting prepares the path for a new skin. And repentance, not atonement,<sup>30</sup> takes place in the heart's turning away from sin, as Maimonides indicates in the Laws of Marriage—the sin is removed by means of "thoughts of repentance in his heart."<sup>31</sup>

In *Halakhic Man*, repentance is not merely an act, intellectual or otherwise, but more importantly it is a change in status, a shift from being one person to being someone else entirely. "It is a creative gesture which is responsible for the emergence of a new personality, a new self."<sup>32</sup> It consists of a promise, as Soloveitchik quotes Maimonides, to "resolve in his heart never to return to this sin again."<sup>33</sup> The analogy closest to repentance comes from the sciences: Imagine a sinner as a glass of water, but a change in his state converts him to ice. Physically, he has the same properties, but his status has undergone a complete alteration. That initial impulse to be a better man than he is now represents the controlling habit of feeling and action in the repentant sinner. His personality transforms under the *mitzvah* of repentance, so much so that it is like he has a new identity: "I am another person and am not the same man who committed these deeds,"<sup>34</sup> writes Maimonides. Such is halakhic man's creative capacity.

Repentance does not merely contend with a possible future self, pledged to God and His Law, but also to a past self, a return—another meaning of *teshuvah*—to some primal, lost yet recoverable aspect of the creative personality. Only when the sinner "abandons his sin,"<sup>35</sup> as

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<sup>29</sup> Ibid., 112

<sup>30</sup> Soloveitchik notes a discrepancy in Maimonides' opinions regarding repentance. In Laws of Repentance 1:1, Rambam apparently asserts that repentance comes through verbal confession (*viddui*). On the contrary, in Laws of Marriage 8:5 Maimonides maintains that repentance is achieved through reflection, a reflection that intends that the sinner not commit the same sin. However, Soloveitchik argues (*Halakhic Man*, 111) that what we see as conflicting standards are actually two isolable laws: a) repentance as dissociating the sinner from his sin (a change in condition), and b) repentance as atonement, the act of restitution. The first is a private, interior move and the second is public. Soloveitchik points to Maimonides' Laws of Testimony and Laws of Evidence to back this novel interpretation.

<sup>31</sup> Soloveitchik, *Halakhic Man*, 111

<sup>32</sup> Ibid., 112

<sup>33</sup> Ibid. and M.T. Laws of Repentance 2:2

<sup>34</sup> M.T. Laws of Repentance 2:4 and *Halakhic Man*, 112-13

<sup>35</sup> Ibid., 2:2 and *Halakhic Man*, 112

Rambam stresses, can the condition for the possibility of return occur. His return comprises a) a consideration of past deeds,<sup>36</sup> b) a future that molds a new self and c) “an examination of the cause located in the past in light of the future, determining its direction and destination.”<sup>37</sup> Put together the three elements of return find their material halakhic importance in this sense: “the sin gives birth to *mitzvot*, the transgression to good deeds.”<sup>38</sup> That is to say, one can only know the good (the *mitzvah*, in this case) when one smashes against the bad (*averah*, sin). Through the sin comes the *mitzvah* of repentance and the opportunity to change one’s life. Yet this can have a dark underside. Soloveitchik’s idea of repentance parallels in significant ways the Russian and Greek Orthodox view of sin (*amartia*) and repentance (*epitimia*). In Dostoevsky’s *Crime and Punishment*, for example, Raskolnikov only comes to embrace a repentant life after the particularly heinous act of bludgeoning an old woman. And his repentance is all the more magnificent, for Dostoevsky, as a result of the heinous nature of the crime, and the added fact that a prostitute leads him to repentance. This vision, which Soloveitchik also embraces, has dark consequences; namely, that sin is positive because it can lead to its divestment. No matter the size of the sin, it has its point of repentance. He quotes Maimonides (Laws of Repentance 7:4) on the matter: “In the place where repentant sinners stand, even the wholly righteous cannot stand.” Soloveitchik concludes the section on repentance thusly: “*Historical crimes, past aberrations, can, at times, descend upon dry bones like the life-giving dew of resurrection, to which world history so amply testifies*” (emphasis added.) This is Maimonides misused and abused—in 1944 (the year of *Halakhic Man*’s publication)! Surely, the sinners of ‘44 could not be placed above the wholly righteous. By sins, of course, he means Israel’s sins, but it takes little imagination to see the exploitative possibilities in Soloveitchik’s statement.

### Time

Around the start of the twentieth century, in literature and the sciences, a revolution in the conceptualization of time began. No longer was time to be seen as merely discrete, quantifiable variables: moment *x* moving seamlessly into moment *y*, with verifiable mechanistic precision. In

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<sup>36</sup> Here we seem to have an inconsistency. In part one of *Halakhic Man*, Soloveitchik de-emphasizes a focus on past sins, while here encouraging the sinner to review his life. In part one (74-75) he writes: “If a person has sinned, then the Halakhah of repentance will come to his aid. One must not waste time on spiritual self-appraisal, on probing introspections, and on the picking away at the ‘sense’ of sin. Such a psychic analysis brings man neither to fear nor to God nor, most fundamental of all, to the knowledge and cognition of the Torah.” In part two (115) he entreats the sinner to “retrospective reflection upon the past.” Perhaps part one distinguishes Halakhic Man from Repentant Man? Is Halakhic Man the man that the sinner wishes to emulate, to become?

<sup>37</sup> Soloveitchik, *Halakhic Man*, 115

<sup>38</sup> *Ibid.*, 116

literature the notion of time's stability came under question by some of the giants of modernism: Faulkner, Proust et al. Linear events collapsed into modern mythologies: Faulkner's Yoknapatawpha County and Proust's Paris. The sense of time is scrambled in the Benjy and Quentin sections of *The Sound and the Fury*, and the famous scene where Marcel bites into the Madeleine cake in *Remembrance of Things Past*. Benjy's portion of *The Sound and the Fury* is one of the masterpieces of modern American literature. A retarded, middle-aged man, Benjy's thoughts run together, as Faulkner provides glimpses of the interior of Benjy's mind. Events of twenty years ago seem contemporary (the reader needs a detailed book on *The Sound and the Fury* to keep pace with time shifts in the novel, as they often happen mid-sentence), whereas present phenomena are given an older, vaguer feel. For Marcel, the smell and taste of the Madeleine cake interlaces memories, which suddenly come to the fore, of eating cake as a child at his aunt's home in the French countryside with the present-day savoring of the Madeleine.

Time's natural progression ceases; events, remembered partially and fitfully, swirl around the consciousness, blending together past and present experience, the flood of prior memories becoming entangled with contemporary action. Time, we may say, can repeat itself; the past is never past. For philosophers such as Henri Bergson, time exists as something intuitive and experienced, as opposed to a Newtonian conception of time as isolated, bounded and sequential.<sup>39</sup> Time is thus heterogeneous and broken. Soloveitchik puts the matter thusly:

The dualism bound up with the concept of time has been well known since Bergson. The distinction between the concept of mathematical time, frozen in geometrical space and entirely quantifiable, and the perception of time as pure, qualitative duration, forming the very essence and content of consciousness and streaming ever onward (and only the act of memory can enable one somehow to grasp hold of this rushing stream), was largely responsible for the rebellion of the human sciences (*geisteswissenschaften*) against the methodology of the mathematical, natural sciences. Nowadays, philosophy operates with a dual conception of time: (1) mathematical-physical time; (2) historical time.<sup>40</sup>

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<sup>39</sup> Among modern philosophers James and Bergson opposed the conception of time advanced by Hegel. Mircea Eliade asserts that Hegel appropriates Jewish and Christian ideas of historical time and fits them into his own peculiar scheme: "the universal spirit *continually* manifests itself in historical events and manifests itself *only* in historical events. Thus *the whole* of history becomes a theophany; everything that has happened in history *had to happen as it did*, because the universal spirit so willed it." Mircea Eliade, *The Sacred and the Profane* (New York: Harvest Books, 1968), 112. James, Bergson and others cut through this metaphysical morass and denied that history cuts time into measurable, discrete unfoldings.

<sup>40</sup> Soloveitchik, *Halakhic Man*, 120-21

Bergson stressed that actual time is measured by the chronometer of interior experience, the flow of thought, reflection, action and meaning that merges past, present and future in what he would call an “endless flow.”<sup>41</sup> The following is an example—first used by Einstein, I believe—to demonstrate the variability and subjectivity of time: "Put your hand on a hot stove for a minute, and it seems like an hour. Sit with a pretty girl for an hour, and it seems like a minute."

For Maimonides, time moves easily from the metaphysical to the physical and back. Time initiates with the creation of the world—a rejection of Aristotle, who “holds that time cannot be conceived to have a beginning.”<sup>42</sup> Aristotle goes against the opinion of the Torah as “time belongs to the created things.”<sup>43</sup> In Maimonidean philosophy and classical Jewish thought, time, while created (*contra* modern physics), is neither linear nor cyclical (which is an area of agreement with modern physics). Time progresses, one year passes into the next and “the world goes its customary way.”<sup>44</sup> But during the Jewish holidays, the linear progression of time is suspended, as Maimonides and Soloveitchik attest. In the Passover season, “a man must regard himself as if he came forth out of Egypt”<sup>45</sup> like Moses and the Israelites. Time thus reverses itself.<sup>46</sup> Reading the *Haggadah* bleeds past and present together and conventional notions of time’s forward thrust halt. Time is granted, however briefly, the element of holiness, moving out of the Newtonian world of determined clocks and calendars (e.e. cummings called time “a colossal hoax of clocks and calendars”<sup>47</sup>) into a syncopation of time unique to religious experience. Time, according to Soloveitchik (and here he is implicitly referencing Maimonides), then “is measured by the standard of our Torah, which begins with the creation of heaven and earth.”<sup>48</sup> Halakhic man is exhorted to assimilate the events of the Torah into his time consciousness, to remember (*zakhor*), for example, the destruction of the Temple and mourn on *Tisha B’av* so that it becomes “a powerful, direct experience.”<sup>49</sup> An aperture, as it were, opens up; time fractures, and the past pierces the present, and points to the future. “The fleeting,

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<sup>41</sup> Henri Bergson, *Creative Evolution*, trans. Arthur Mitchell (New York: Macmillan, 1911), 3

<sup>42</sup> *Guide*, 2.30, 349

<sup>43</sup> *Ibid.*

<sup>44</sup> B.T. *Avodah Zarah* 54b

<sup>45</sup> See *Halakhic Man*, 118 and M.T. Laws of Hametz and Matzah 7:6

<sup>46</sup> Physicists traditionally hold that scientific time is reversible in theory as well.

<sup>47</sup> e.e. cummings, “if(touched by love's own secret)we, like homing,” *100 Selected Poems of e.e. cummings* (New York: Grove Press, 1989), 113

<sup>48</sup> Soloveitchik, *Halakhic Man*, 117. See also *Guide* 2.29-30.

<sup>49</sup> *Ibid.*, 118

evanescent moment is transformed into eternity,<sup>50</sup> as the Egyptian exodus and the freedom that follows prefigures the future release from exile—“the redemption from Egypt is linked to the future redemption,”<sup>51</sup> which Maimonides intimates as well.

But for all of this concern with the non-linearity of time, Soloveitchik maintains that the Jewish conception of time does not resemble Bergson’s conception of time. On the contrary, Judaism seeks to transform the seeming subjectivity of time into objective data. Judaism’s ‘data set’ is its holidays and the prescribed prayer times, and this is set against the subjective flow of time in the void. “Judaism,” he writes movingly, ‘disapproves of too much subjectivity, of an undue emphasis on quality...Judaism does not desire a flowing stream of time but rather wishes to establish a time that is fixed and determined.’<sup>52</sup> As we saw with Maimonides and the calculations for the blessing over the new moon, demarcating time is precisely what Jewish law does. The goal of halakhic man therefore is situated in the actualization of ideal halakha in the world, by marking out objective boundaries of time from the “endless flow” of chaos. Just as Maimonides unpacks the world by imposing order (Divine creation) on the apparent formless blank of nature, Soloveitchik creates a fastness—viz., halakha—that one may retreat to in order to hold off “the forces of negation and nothingness.”<sup>53</sup>

### Divine Providence

The question of God’s guiding hand in history, God’s providential care, has exercised the whole of Jewish, and general, philosophy. Maimonides and Soloveitchik are no exception. As Soloveitchik notes, “the belief in individual providence is a cornerstone of Judaism, both from the perspective of the Halakhah and from the perspective of philosophical inquiry. It is the tenth of Maimonides’ thirteen fundamentals of faith.”<sup>54</sup> Because divine providence rests on man, Maimonides, according to Soloveitchik, separates man from the rest of creation due to the fact that man has someone to whom he must account for his deeds. He quotes the Rambam, taking the latter’s position as his own: “Divine providence watches only over the individuals belonging to the human species and that in this species all the circumstances of the individuals and the good

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<sup>50</sup> Ibid., 119

<sup>51</sup> Ibid., 118-19

<sup>52</sup> Ibid., 121

<sup>53</sup> Ibid., 107

<sup>54</sup> Ibid., 124. The thirteen principles of faith (*shloshah asar ekarim*), found in the introduction to Maimonides’ commentary to the Talmudic tractate *Sanhedrin*, are read after morning prayers. The tenth fundamental—divine providence—asserts that the believing Jew holds fast to the principle that God is cognizant of their actions, and the eleventh fundamental asserts that the believing Jew is aware that God rewards observance and punishes violations of the commandments.

and the evil that befall them are consequent upon their deserts...”<sup>55</sup> God’s providence, naturally, can only benefit those capable—due to the capacity of reason—of making distinctions between good and ill. Put in more precise terms, man “differs in his ontological nature from all creatures.”<sup>56</sup>

In the last four chapters of the *Guide*, Maimonides makes the distinction between man as a biological entity (a blank fact) and the perfected man who rises above the coils of nature. Soloveitchik, implicitly, uses this model to distinguish between “species man” and creative/halakhic man, or what he calls the “man of God.”<sup>57</sup> Again, like Maimonides’ typology, Soloveitchik’s man of God is responsible for his own individual providence as well. God metes out justice in proportion “to the deserts of the men concerned through equitable judgment in which there is no injustice whatsoever.”<sup>58</sup> Soloveitchik concurs with this opinion: providence “is dependent upon man himself.”<sup>59</sup>

Species man lives out a life of random existence, without purpose, direction or meaning. He gives in to the urges of his nature, refusing to lift himself out of slavery to his passions. Soloveitchik quotes Maimonides: “As for the ignorant and disobedient, their state is despicable proportionately according to their lack of this [divine] overflow, and they have been relegated to the ranks of the individuals of all the other species of the animals.”<sup>60</sup> Species man does not create; he reacts.<sup>61</sup> He understands himself only as a biological entity, a bundle of nerve-endings, muscles and bones, destined to vanish at death. Species man resembles, if anything, the shades in Dante’s Hell. “Empty-handed he goes to the grave, bereft of *mitzvah* performances, good deeds, and meritorious acts, for while living he lacked any sense of historical responsibility and was totally wanting in any ethical passion.”<sup>62</sup> As Maimonides maintains in the *Laws of Repentance*, a

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<sup>55</sup> Ibid., 124. The quotation from the *Guide* is found at 3.17.

<sup>56</sup> Ibid., 125

<sup>57</sup> Ibid.

<sup>58</sup> *Guide* 3.17, 469

<sup>59</sup> Soloveitchik, *Halakhic Man*, 125

<sup>60</sup> Ibid., 126. See *Guide* 3.17-18

<sup>61</sup> The English poet Stephen Spender pointed out something similar, even though his concerns were surely far from Jewish philosophy. Spender noted among his contemporaries a conflict between two types of “I”: the “I” of Voltaire, proactive and dynamic, and the modern “I,” passive and reflective. “The Voltairean ‘I’ acts upon events. The modern ‘I’... is acted upon by events.” See Irving Howe, “The Idea of the Modern,” *Selected Writings 1950-1990* (New York: Harcourt Brace Jovanovich, 1990), 143

<sup>62</sup> Soloveitchik, *Halakhic Man*, 127

man who will not raise himself above the state of nature will die like a beast and be denied immortality, and God will not watch over him.<sup>63</sup>

Standing over and above species man is the man of God, or the perfected man, in Maimonidean parlance. The man of God is a “*borei*,” a creator in the fullest sense. He has lifted his life out of the state of nature and he has left lasting imprints of creativity in all that he wills.<sup>64</sup> He creates his destiny, marks out the territory of his life. Soloveitchik gushes: “His whole existence, like some enchanted stream, rushes ever onward to distant magical regions... For, indeed, it is the living God for whom he pines and longs.”<sup>65</sup> But here Soloveitchik is more vague than even Maimonides regarding how the man of God is to go about achieving this goal. Surely, he must be ambitious, but ambition must have aim, direction. At least Maimonides delineates some of the capacities necessary for a perfected intellect: scientific knowledge, philosophic curiosity and a thorough acquaintance with the Talmud and its commentaries. With Soloveitchik, the individual man of God is simply loosed upon the world, prepared to act, for “he recognizes the destiny that is his, his obligation and task in life.”<sup>66</sup> Yet his action will be frustrated without training. We are certain that Soloveitchik intends for the man of God to have familiarity with Talmud, science and Maimonides, but without his acknowledgement of such training we are left with an incomplete picture of how the man of God achieves providence through what Maimonides calls the “divine overflow.”<sup>67</sup> In fine, the man of God appears, at this critical juncture in Soloveitchik’s discussion of providence, to be just another creature of modernism, little different than the ambitious young men that populate the novels of Stendhal, Hardy or Hemingway. But, counters Soloveitchik, he is more than a creature of modernism; he is also an observant Jew, for whom “the fundamental of providence is here transformed into a concrete commandment, an obligation incumbent upon man.” Soloveitchik thus closes the section on providence with a delicate balancing act: Judaism neither contradicts modernity nor is identical with modernity. The notion of man as self-creator may be predominantly modern, but its purpose is Jewish.

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<sup>63</sup> See M.T. Laws of Repentance 8:1 and *Halakhic Man*, 161-62, footnote 132

<sup>64</sup> Although the question need not detain us in this chapter, we can ask the question: stripped of the religious trappings, how different is Soloveitchik’s man of God from the Nietzschean *Übermensch*, who equally raises himself above the mediocrity of the mass of humanity.

<sup>65</sup> Soloveitchik, *Halakhic Man*, 128

<sup>66</sup> *Ibid.*

<sup>67</sup> *Guide* 3.17-18, *passim*. See *Halakhic Man*, 126

## Prophecy

In the *Guide*'s concluding chapters (3.51-54), Maimonides presents his readers with a model of human perfection: the man who could link his material intellect with the Active Intellect in order to receive the "divine overflow," the intellectual equivalent of divine providence. Each man, according to his capacity, was to structure his life on this type of human personality. In *Halakhic Man*, Soloveitchik shifts the model from the man of perfection to the prophet. The properties of each are similar, and they have a common end-point: the reception of the divine overflow.<sup>68</sup> The major difference between the perfected man and the prophet centers on the detailing of the personality: the perfected man receives the divine overflow passively (a culmination of the perfection of the body, soul and intellect) but is thus granted qualities of leadership, whereas the prophet, in Soloveitchik's understanding, actively works toward the goal in his role as creator but declines positions of power. Perfected men "achieve perfection to an extent that enables them to govern others,"<sup>69</sup> whereas the halakhic men/prophets "avoid serving in rabbinical posts. They rather join themselves to the group of those who are reluctant to render practical decisions."<sup>70</sup>

Prophecy, for Soloveitchik, has two interrelated features: a) "prophecy as a reality—i.e., that God causes men to prophesy; b) "prophecy as a norm—i.e., that each person is obliged to aspire to this rank..."<sup>71</sup> Soloveitchik quotes Maimonides: "It is one of the foundations of religion to know that God causes men to prophesy."<sup>72</sup> The cause, as with Moses' prophecy, is not always direct: the cause in Moses' case (and in the case of Soloveitchik's model of the prophet) is the rational faculty endowed by God. Maimonides then outlines the habits, moral and intellectual, that the prophet must possess: a suppression of evil tendencies, a fit body, a mind that has risen above daily concerns, thoughts centered solely on the love and fear of God. Soloveitchik's conception of the prophet, we speculate, holds close to Maimonides' definition of Mosaic rather than ordinary, prophecy. Alvin Reines lays out the important distinctions:

Mosaic prophecy is an emanation that flows from God through the medium of the Active Intellect upon the rational faculty. Ordinary prophecy, by way of comparison, is defined as 'an emanation that flows forth

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<sup>68</sup> Soloveitchik, *Halakhic Man*, 128

<sup>69</sup> *Guide* 2.37, 374

<sup>70</sup> Soloveitchik, *Halakhic Man*, 24

<sup>71</sup> *Ibid.*, 128-29

<sup>72</sup> M.T. Laws of the Foundation of the Torah 7:1

from God through the medium of the Active Intellect, first upon the rational faculty, and then upon the imaginative faculty. The essence of a thing, which is given by its definition, is *per proximum genus et differentiam*. Comparing the definitions of ordinary and Mosaic prophecy, we have the following: The genus of ordinary prophecy is ‘an emanation that flows from the rational faculty upon the imaginative faculty.’ The genus of Mosaic prophecy is ‘an emanation that flows from the Active Intellect upon the rational faculty.’ In accordance with the requirement that two things to which the same term is applied amphibolously cannot share constituent elements of their essence in common, the proximate genera as well as the specific differences of the two kinds of prophecy differ. The fact that in both Mosaic and ordinary prophecy the Active Intellect emanates upon the rational faculty constitutes only an accidental similarity, since in the former the prophecy itself is pure concept, whereas in the latter, owing to the participation of the imagination in assisting the intellect to apprehend the prophetic emanation, the actual prophecy is intellectualized phantasy. Between prophetic knowledge that is pure concept and prophecy containing material representations there exists an essential difference.<sup>73</sup>

What is important about the above discussion is that Mosaic prophecy lacks the imaginative faculty, making it purely rational and natural. And in the Aristotelian-Maimonidean worldview, the natural and the rational are identified with the good. As Maimonides notes in his Introduction to *Helek*, “the human intellect will cleave to the active intellect, and here will overflow from the active intellect onto the human intellect a mighty overflow.”<sup>74</sup> For Soloveitchik, then, the prophet becomes the ultimate self-creator, due to the fact that he employs his rational capacities to become a man of God, united by the Active Intellect. The imaginative aspect of ordinary prophecy is wholly absent in *Halakhic Man*: “veridical dreams,” the most vital manifestation of ordinary prophecy, plays no role for Soloveitchik’s prophet. Once this level—the prophet—is reached, halakhic man satisfies his deepest wish, and, as Maimonides states, “he is turned into another person. And he will understand that he is not the same as he had been...”<sup>75</sup> The prophet thus breaks the binding shackle of blank biological existence; he creates himself anew through repentance and providence, no longer a mere species man. And this insight Soloveitchik credits to Maimonides, who in the *Mishneh Torah*, uses an Aristotelian framework to facilitate for the believing Jew the philosophically sound principle of “prophecy as an act of self-creation and self-renewal.”<sup>76</sup> Maimonides, according to Soloveitchik, strikes the hammer blow to determinism: we are more than the sum total of our nature, and “choice is granted to every

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<sup>73</sup> Alvin Reines, “Maimonides’ Concept of Mosaic Prophecy,” *Hebrew Union College Annual* 40 (1969-70), 332-33

<sup>74</sup> See Soloveitchik, *Halakhic Man*, 130

<sup>75</sup> M.T. Laws of the Foundation of the Torah 7:1 and *Halakhic Man*, 130

<sup>76</sup> Soloveitchik, *Halakhic Man*, 134

human being.”<sup>77</sup> Like Leibowitz, Soloveitchik argues that rising above the Newtonian physical universe and the Darwinian animal world is the true goal of halakhic man, both source and conclusion of exertions. Halakhic man, through the implications of creativity that we have discussed, “discovers his freedom in the halakhic principle, which is deeply rooted in his pure soul.”<sup>78</sup>

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<sup>77</sup> M.T. Laws of Repentance 5:1 and *Halakhic Man* 136-37

<sup>78</sup> Soloveitchik, *Halakhic Man*, 136